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Washington, Wednesday, June 6, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10249

PRESCRIBING REGULATIONS WITH RESPECT TO FOREIGN SERVICE REPORTING FUNCTIONS

By virtue of the authority vested in me by section 311 of the Foreign Service Act of 1946, 60 Stat. 1002 (22 U. S. C. 846), and as President of the United States, I hereby prescribe the following regulations with respect to the reporting functions of the Foreign Service of the United States:

SECTION 1. As used in this order, the words "foreign data" shall mean any data obtained or to be obtained in foreign countries, including reports, statistics, and publications.

SEC. 2. Subject to the provisions of this order, the Department of State shall obtain for any Federal department or agency, through the Foreign Service of the United States, such foreign data as such department or agency may request through the Department of State.

SEC. 3. The Secretary of State is authorized and directed to prepare and maintain, for use in carrying out the purposes of this order, (a) a comprehensive statement of the types of foreign data appropriate to be obtained through the Foreign Service which would be of substantial use to the United States, with due attention in the preparation of this statement to the relative importance of the several types of data, and (b) standards which shall govern the determination by the Department of State to transmit or not to transmit to the Foreign Service, for action, any request for foreign data, and which shall also govern the assignment of priorities by the Department of State to the several requests transmitted by it to the Foreign Service for action. In connection with the preparation of the said statement and standards and any revision thereof, the Department of State shall afford interested Federal departments and agencies opportunity for consultation and shall accord their advice appropriate consideration.

SEC. 4. The Department of State may assign priorities to requests for foreign data, which priorities shall govern the Foreign Service in connection with the furnishing of the requested data; and it may take such measures as may be necessary or appropriate to keep the work falling upon the Foreign Service by reason of the furnishing of data to Federal departments and agencies within the resources of the Foreign Service available for such work. In carrying out the provisions of this section, the Department of State shall, to the extent practicable, be guided by the determinations of any other department or agency requesting foreign data as to the relative priorities of any two or more requests made by such department or agency.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 4, 1951.

[F. R. Doc. 51-6606; Filed, June 5, 1951; 10:18 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Winter Cover Crop Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP WINTER COVER CROP SEED LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1951 crop of winter cover crop seeds named in § 601.1110 hereof. The 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951, is supplemented as follows:

Sec.
601.1101 Purpose.
601.1102 Availability of price support.
601.1103 Eligible seed.
601.1104 Warehouse receipts.
601.1105 Determination of quantity.
601.1106 Determination of quality.
601.1107 Loss or damage to seed under farm-storage loan.
601.1108 Warehouse and other charges.

(Continued on p. 5311)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

Sec.
601.1109 Maturity of loans.
601.1110 Schedule of basic specifications and rates.
601.1111 County rates.
601.1112 Delivery of seed to CCC.
601.1113 Settlement.

AUTHORITY: §§ 601.1101 to 601.1113 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs, 301, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714, 7 U. S. C. Sup. 1447, 1421.

§ 601.1101 *Purpose.* This supplement states additional specific requirements which, together with those contained in the 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, apply to loans and purchase agreements under the 1951-Crop Winter Cover Crop Seed Price Support Program.

§ 601.1102 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements for all seeds listed in § 601.1110.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available to producers wherever any of the seeds listed in § 601.1110 are grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that such seeds cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available to producers from the time of harvest through December 31, 1951, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* (1) An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing seed listed in § 601.1110 in 1951 as landowner, landlord, tenant, or sharecropper.

(2) Cooperative marketing associations of producers shall be eligible for loans and purchase agreements: *Provided,* That (i) the producer members are bound by contract to market through the association; (ii) the major part of the seed marketed by the association is produced by members who are eligible producers; (iii) the members share proportionately in the proceeds from marketings according to the quantity and quality of seed each delivers to the association; (iv) the seed purchased from nonmembers is segregated at all times to assure that the seed placed under loan or delivered under a purchase agreement is seed grown by producer members; and, (v) the association has the legal right to pledge or mortgage the seed as security for a loan.

§ 601.1103 *Eligible seed.* At the time the seed is placed under loan or delivered under a purchase agreement, the seed shall meet the following requirements:

(a) The seed must have been produced in the continental United States in 1951 by an eligible producer and be one of the kinds and varieties named in § 601.1110.

(b) Except in the case of cooperative marketing associations of producers, the beneficial interest in the seed must be in the person tendering the seed for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the seed was harvested.

(c) It must on the basis of official purity analysis reports, and germination test certificates, based on representative samples taken not more than five calendar months prior to the first day of the month in which the seed is tendered for loan or purchase (and on the basis of official moisture tests where applicable), be equal to or better in every respect than the minimum specifications for the particular kind of seed as shown in § 601.1110, unless the warehouseman, in the case of seed being offered for loan or delivery under a purchase agreement, certifies that the seed is of a quality eligible for price support, shows such quality on the warehouse receipt, and guarantees to deliver to CCC seed of a quality equal to, or better than, that shown on the warehouse receipt.

(d) The seed must not contain noxious weed seeds in excess of the number permitted for sale as planting seed by the State seed law, and rules and regulations pursuant thereto, of the State in which the seed is tendered for loan or delivered under a purchase agreement.

(e) The moisture content of blue lupine seed (determined by an official moisture test, except where quality is guaranteed by the warehouseman) shall not exceed 12 percent at the time the seed is placed under loan, and shall not exceed 14 percent at the time of delivery under a loan or purchase agreement.

(f) The seed must be fumigated if necessary.

§ 601.1104 *Warehouse receipts.* Warehouse receipts representing seed placed under loan or delivered under a purchase agreement must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer or cooperative marketing association of producers, must be properly endorsed in blank so as to vest title in the holder, must be issued by a warehouse approved by CCC under the Seed Storage Agreement, and must show the quantity of eligible seed actually in store in the warehouse.

(b) Where the seed is commingled the warehouseman must guarantee both the quality and the quantity of the seed.

(c) Where the warehouseman guarantees the quality of the seed placed under loan, on either an identity-preserved or commingled basis, each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the kind or variety of the seed, the net weight, and the factors used in determining the quality of the seed.

(d) Where the seed is stored on an identity-preserved basis and the warehouseman does not guarantee the quality, there shall be attached to the warehouse receipt for the lot of seed stored identity-preserved a copy of the official purity analysis report and germination test certificate, and, where moisture is an eligibility requirement, a copy of the official moisture certificate.

(e) Any warehouse receipt representing seed stored on an identity-preserved basis must set forth in the written or printed terms the kind or variety of seed, the lot identity or number, the number of bags and the total net weight.

(f) Warehouse receipts shall carry an endorsement in substantially the following form:

Warehouse charges through January 31, 1952, on the seed represented by this warehouse receipt have been paid or otherwise provided for, and lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt.

§ 601.1105 *Determination of quantity.* All determinations of the quantity of seed delivered under loan or purchase agreement in an approved warehouse under this program shall be made on the basis of the net weight of eligible seed, as specified on the warehouse receipt. The quanity of seed being placed under a farm-storage loan shall be determined by the county committee. The quantity of seed delivered under a farm-storage loan will be the actual net weight of seed.

§ 601.1106 *Determination of quality.* All determinations of quality made by the county committee will be made on the basis of official purity, germination, and moisture tests (where required) of a representative sample. An official test shall be a test made by a Federal or State Seed Testing Laboratory, or by a commercial seed testing laboratory approved by the State committee. A representative sample for determination of quality shall be a sample taken by a licensed State inspector, or where such services are not provided, the county committee shall arrange for a qualified disinterested person to obtain a representative sample. The sample shall consist of equal portions taken from evenly distributed parts of the lot of seed to be sampled.

§ 601.1107 *Loss or damage to seed under farm-storage loan.* Notwithstanding the provisions of § 601.665 of the 1951 C. C. C. Grain Price Support Bulletin 1, and the provisions of the chattel mortgage and the mortgage supplement, the producer will not be responsible for deterioration occurring without fault or negligence on his part or the part of the person in control of the farm-storage structure.

§ 601.1108 *Warehouse and other charges.* CCC will not pay or assume charges for cleaning, fumigation, drying, bagging, sampling, testing and analysis reports, tagging, or other handling or processing operations which are necessary to prepare the seed to meet eligibility requirements for price support; nor will CCC pay or assume storage charges which accrue prior to February 1, 1952, or the date of the warehouse receipt, whichever is later.

§ 601.1109 *Maturity of loans.* Loans mature on demand but not later than January 31, 1952.

§ 601.1110 *Schedule of basic specifications and rates.* The rates at which purchases will be made from producers and the loan and settlement rates shall be computed in accordance with the specifications and rates shown in the following schedule: *Provided,* That, the county rates shown in § 601.1111 shall be used for hairy vetch: *And provided further,* That where seed is delivered to CCC in approved used bags, a bag discount at the rate of 25 cents per 100 pounds capacity shall be applicable.

SCHEDULE OF BASIC RATES AND SPECIFICATIONS APPLICABLE FOR 1951 WINTER COVER CROP SEED

	Hairy vetch [1]	Common vetch [2]	Willamette vetch	Crimson clover	Common ryegrass	Blue lupine	Roughpeas (lathyrus hirsutus) [3]
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
1. Basic price per pound	14.70	6.00	6.00	16.50	6.75	4.00	6.00
2. Basic price requirements:	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Germination [4]	90	90	90	85	90	90	90
Pure seed	95	90	90	98	98	99	98
Total winter legumes	98	98	98	[5]	[5]	[5]	98
Noxious weeds permitted	[6]	[6]	[6]	[7] None	[6]	[6]	[6]
Common weed seeds not to exceed	1	1	1	1	2	1	1
Other crop seed permitted	[5]	[5]	[5]	2	[5]	1	[5]
Moisture content not to exceed						12	
3. Minimum eligibility requirements:							
Germination [4]	70	70	70	75	75	80	75
Pure seed	70	70	70	96	95	96	70
Total winter legumes	98	98	98	[5]	[5]	[5]	98
Noxious weeds permitted	[6]	[6]	[6]	[7] None	[6]	[6]	[6]
Common weed seeds not to exceed	1	1	1	1	2	1	1
Other crop seed permitted	[5]	[5]	[5]	4	[5]	[5]	[5]
Moisture content not to exceed						[8] 12	
4. Discount per cwt. applicable for each percent or fraction thereof below the basic price requirements for—							
Germination [4]	$0.20	$0.09	$0.09	$0.20	$0.10	$0.05	$0.08
Purity	.11	.018	.018	.25	.10	.10	.025

[1] Price of hairy vetch shall not be discounted due to the presence of woollypod.

[2] Hungarian and purple vetch may qualify as common if at least 80 percent of seed is common vetch.

[3] Roughpeas (Lathyrus hirsutus) commonly called Caley peas, Singletary peas, or wild winter peas. Hairy vetch seed may qualify as roughpeas provided at least 65 percent of the mixture is roughpeas. The following percentages of the applicable hairy vetch price (including area differentials and discounts for quality below the basic price requirements), will be allowed for hairy vetch seed in the mixture:

Hairy vetch in mixture (percent)	*Percent of applicable support price*
5–14, inclusive	50
15–24, inclusive	60
25–34, inclusive	70

[4] Live seed including hard seed.

[5] No requirements specified for this item. However, the total winter legume requirements where specified and the purity requirements must be met in order for seed to be eligible for price support.

[6] Noxious weed seed shall not exceed the quantity permitted for sale as planting seed by the State seed law or regulations of the State in which the seed is delivered to CCC.

[7] Crimson clover containing not more than 5 wild onion bulblets per pound will be eligible for purchase in Kentucky only at a discount of $1 per hundred.

[8] Blue lupine seed with moisture content not in excess of 14 percent may be delivered in satisfaction of loans or on purchase agreements when other eligibility factors are satisfied.

§ 601.1111 *County rates.* (a) The basic county rates for hairy vetch seed will be as follows:

	Cents per pound
Arkansas, all counties	15.20
California, all counties	14.40
Idaho, all counties	14.40
Oklahoma, all counties	14.95
Oregon, all counties	14.40
Texas, all counties	14.90
Washington, all counties	14.40
Other States, all counties	14.70

(b) Farm-storage and warehouse-storage loans will be made at the basic county rate for the county in which the hairy vetch seed is stored. Settlement will be made at the time of delivery under a loan or a purchase agreement at the basic county rate for the approved point of delivery. The applicable county rate will be subject to the discounts shown on the Schedule of Basic Rates and Specifications in § 601.1110.

§ 601.1112 *Delivery of seed to CCC—* (a) *Cleaning, fumigation, and bagging.* Seed delivered to CCC by the producer under a loan or purchase agreement must meet the following requirements or must be represented by a warehouse receipt under which the warehouseman guarantees to meet such requirements: The seed must be cleaned, fumigated if necessary, and packaged in new bags of the quality and net capacity described below; or, if new bags are not available, No. 1 used bags of the same quality or better, and of the same net capacity, as those described below may be used, provided they are thoroughly cleaned before being filled, and are free of holes, patches, or other defects.

(1) Blue lupine, hairy vetch, Willamette vetch, common vetch, and roughpeas:

Type	*Net capacity (pounds)*
(i) 3-harness twill: 38-inch 8-ounce or heavier	100
(ii) Osnaburg which can be probed:	
36-inch 2.35 yard or heavier	100
40-inch 2.11 yard or heavier	100
(iii) Burlap: 10-ounce or heavier	100

(2) Crimson clover:

Type	Net capacity (pounds)
(i) Osnaburg which can be probed (seamless or double seam):	
36-inch 2.35 yard or heavier	100
40-inch 2.11 yard or heavier	100
(ii) Seamless cotton:	
13-ounce (20 x 42-inch)	120
16-ounce (20 x 45-inch)	150

(3) Common ryegrass:

Type	Net capacity (pounds)
(i) Osnaburg which can be probed:	
36-inch 2.35 yard or heavier	100
40-inch 2.11 yard or heavier	100
(ii) Burlap: 8-ounce or heavier	100

(b) *Tagging.* The seed must be tagged in accordance with the Federal Seed Act for interstate shipments, if ordered loaded out for interstate shipment by CCC.

§ 601.1113 *Settlement.* Where seed is delivered to CCC in accordance with § 601.668 of the 1951 CCC Grain Price Support Bulletin 1, the following additional provisions shall be applicable:

(a) *Farm-storage loans.* Settlement under a farm-storage loan shall be made with the producer at the applicable support price on the basis of the quantity of the seed delivered, and on the basis of the quality of the seed when placed under loan, except that if damage or deterioration has resulted from negligence on the part of the producer or other person having control of the storage structure, settlement shall be made on the basis of the quality and quantity of the seed delivered. (See paragraph (d) of this section.)

(b) *Warehouse - storage loans*—(1) *Quality not guaranteed.* If the seed is stored on an identity-preserved basis and the quality is not guaranteed by the warehouseman, settlement shall be made with the producer at the applicable support price on the basis of the quantity of seed shown on the warehouse receipt and on the basis of the quality of the seed when placed under loan, except as provided in paragraph (d) of this section.

(2) *Quality guaranteed.* If the seed is stored on a commingled or identity-preserved basis and the warehouseman guarantees the quantity and quality, settlement shall be made with the producer on the basis of the quantity and quality of the seed shown on the warehouse receipt.

(c) *Purchase agreements.* If the producer has notified the county committee of his intention to sell seed under a purchase agreement in accordance with the provisions of § 601.668 of the 1951 C. C. C. Grain Price Support Bulletin 1, the seed will be purchased upon delivery at the applicable support price.

(1) *Quality not guaranteed.* If the identity of the seed is preserved and the quality is not guaranteed by an approved warehouseman, settlement will be made on the basis of the quantity of seed actually delivered and the quality shown by official purity analysis reports and germination test certificates based on representative samples taken not more than five calendar months prior to the first day of the month in which the seed is delivered to CCC, except as provided in paragraph (d) of this section.

(2) *Quality guaranteed.* If the seed is stored on a commingled or identity-preserved basis in an approved warehouse and the warehouseman guarantees the quality and quantity of the seed, settlement will be made with the producer on the basis of the quality and quantity of the seed shown on the warehouse receipt.

(d) *Quality determination at time of delivery.* Where the quality of the seed delivered under a loan or purchase agreement is not guaranteed by an approved warehouseman, and the county committee has reason to believe that the lot of seed has been disturbed or damaged so that the purity analysis reports and/or germination test certificates are no longer representative of the quality of the seed, then the quality shall be determined by official purity analysis and germination tests made at the time of delivery. Settlement will be made on the basis of such tests made at the time of delivery, except where CCC assumes loss resulting from damage or deterioration to seed under loan. (See § 601.665 of the 1951 CCC Grain Price Support Bulletin 1 and § 601.1107 of this Supplement 1.)

(e) *Refund of paid-in freight.* Where any seed delivered to CCC has been shipped by the producer, or for him, "in line", as determined by CCC, from point of origin to an approved warehouse for storage where transit privileges are in effect, freight (including transportation tax) at a rate not exceeding the lowest published rate, or the lowest transcontinental rate, where applicable, paid on the inbound rail movement, will be refunded to the producer: *Provided*, That (1) the shipment has been properly registered for transit; (2) the paid railway freight bill or a validated copy thereof, representing the identical seed, is endorsed to CCC in accordance with the covering Tariffs at the transit point, and turned over to CCC; (3) a freight certificate signed by the warehouseman, is turned over to CCC; (4) the refunded freight is limited to the quantity of seed shown on the warehouse receipt; and (5) whenever the support rate for the point of delivery is higher than the support rate for the point of origin shown on the freight certificate, the amount refunded shall be the freight paid on the inbound rail movement less the difference between the support rate for the point of delivery and the support rate for the point of origin. The freight certificate shall show the original shipping point, date and number of waybill, car initials and number, date and number of freight bill, name of the carrier, transit weight, and rate paid in, the total amount of freight paid, and such other information as CCC may require. Refunds for paid-in freight under this paragraph will be made by the appropriate PMA commodity office subsequent to actual delivery of the seed to CCC pursuant to a loan or purchase agreement.

Issued this 31st day of May, 1951.

[SEAL] JOHN H. DEAN,
Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-6534; Filed, June 5, 1951; 8:51 a. m.]

PART 669—VEGETABLES, FRESH

SUBPART—GENERAL VEGETABLE PURCHASE PROGRAM (FISCAL YEAR 1951)

CABBAGE

§ 669.7 *Cabbage (fiscal year 1951).* In order to encourage the domestic consumption of cabbage by diversion from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, cabbage will be purchased during the fiscal year ending June 30, 1951, in instances where surpluses exist or appear to be developing, and subject to limitations imposed by the capacity of available outlets to utilize supplies without waste and by the amount of funds available for such purchases. Purchases will be made only in areas where acreage has been kept in substantial conformity with recommendations contained in the Department's suggested acreage and production reports. Grades and other specifications, and purchase prices will be contained in purchase announcements which will be issued to cover particular purchase operations. Information as to such purchase operations may be obtained by writing to the Fruit and Vegetable Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Done at Washington, D. C., this 31st day of May 1951.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 51-6496; Filed, June 5, 1951; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR GRADES OF EXTRACTED HONEY

EDITORIAL NOTE: In Federal Register Document 51-3397, appearing at page

2463 of the issue for Friday, March 16, 1951, the following change should be made:

In Table No. I of § 52.403, under the column head "Color range Pfund scales", the figure "59" for Light Amber should read "50".

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1026 (Cigar Leaf-51)-1]

PART 723 — CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-FILLER AND BINDER MARKETING QUOTA REGULATIONS 1951-52 MARKETING YEAR

Correction

In Federal Register Document 51-6379, published at page 5149 of the issue for Saturday, June 2, 1951, the headnote should read as set forth above.

Chapter IX — Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 2 Amdt 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

a. *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of Santa Rosa plums grown in the State of California.

b. It is, therefore, ordered as follows:

1. The provisions in paragraph (b) (2) of § 936.397 (Plum Order 2; 16 F. R. 4882) shall during the period beginning at 12:01 a. m., P. s. t., June 5, 1951, and ending at 12:01 a. m., P. s. t., October 16, 1951, read as follows:

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

c. Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of Plum Order 2; or (2) as releasing or extinguishing any violation of said Plum Order 2 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 4th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6602; Filed, June 5, 1951; 8:45 a. m.]

[Peach Order 1]

PART 962—FRESH PEACHES GROWN IN GEORGIA

REGULATION BY SIZE

§ 962.306 *Peach order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 15 F. R. 4105), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 6, 1951.

A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof, and adequate information thereon was not available to the Industry Committee until May 29, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on May 29, 1951, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information was submitted to the Department and information concerning such recommendation was disseminated among growers and handlers of such peaches; shipments of such peaches are now being made; in order to effectuate the declared policy of the act, this section should, insofar as practicable, be applicable to all shipments of such peaches during the current fiscal period; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* During the period beginning at 12:01 a. m., e. s. t., June 6, 1951, and ending at 12:01 a. m., e. s. t., September 1, 1951, no handler shall ship:

(1) Any peaches of any variety (except Dixired peaches) of a size smaller than 1⅝ inches in diameter, except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or any lot of packages may be of a size smaller than 1⅝ inches in diameter, but not more than fifteen (15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than 1⅝ inches in diameter; and

(2) Any peaches of the Brackett, Early Elberta, Elberta, Early Hale, Hale Haven, Halberta, Hardin's Pride, J. H. Hale, Krummel, Murray Hale, Rio Oso Gem, Southland, Sullivan Elberta, White Hale, or Woodland Cling varieties of a size smaller than 1¾ inches in diameter, except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or any lot of packages may be of a size smaller than 1¾ inches in diameter, but not more than fifteen (15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than 1¾ inches in diameter.

(c) *Definitions.* When used in this section, the terms "handler", "ship", and "peaches" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; and the term "diameter" shall have the same meaning as when used in the

United States Standards for Peaches (7 CFR 51.312).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Doing at Washington, D. C., this 1st day of June 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit & Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6535; Filed, June 5, 1951; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5796]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SOUTHERN SPRING BED CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.42 *Connection of others with goods;* § 3.90 *History of product or offering;* § 3.110 *Indorsements, approval and testimonials;* § 3.130 *Manufacture or preparation;* § 3.170 *Qualities or properties of product or service.* Subpart—*Claiming indorsements or testimonials falsely or misleadingly;* § 3.330 *Claiming indorsements or testimonials falsely or misleadingly.* Subpart *Misbranding or mislabeling;* § 3.1195 *Connections and arrangements with others;* § 3.1225 *History;* § 3.1235 *Indorsements, approvals or awards;* § 3.1255 *Manufacture or preparation;* § 3.1290 *Qualities or properties.* Subpart—*Using misleading names, goods;* § 3.2285 *Connections and arrangements with others;* § 3.2295 *History;* § 3.2305 *Indorsements, approval and testimonials;* § 3.2310 *Manufacture or preparation;* § 3.2325 *Qualities or properties.* In connection with the offering for sale, sale or distribution of respondent's bed springs and mattresses, or other products, in commerce, (1) using (subject to the permissible limits prescribed by the act of January 5, 1905, as amended by section 4 of the act of June 23, 1910) the words "Red Cross", or any abbreviation or simulation thereof, or the mark of a Greek red cross or any other mark, emblem, sign or insignia simulating a Greek red cross, on the respondent's products; or using said words or said mark in selling or advertising the same; (a) unless respondent uses upon the label, whether on the article, wrapper or carton, and with equal clearness and conspicuousness, in immediate conjunction with said words or said mark, the legend, "This product has no connection whatsoever with The American National Red Cross"; and, (b) unless the respondent, in each of its written advertisements containing said words or said mark uses the said legend with equal clearness and conspicuousness; and, (c) unless the respondent, in each of its radio advertisements containing said words or said mark, makes the statement contained in said legend with equal clearness and conspicuousness; (2) using the word "orthopedic", or any term or expression of like import, as a designation for or as descriptive of its stock bed springs or mattresses; (3) representing, directly or by implication, that the respondent's bed springs or mattresses are specially built and scientifically designed to meet the specifications of orthopedic surgeons or physicians, or that such springs or mattresses have the approval of any surgeon or physician for use, unless prescribed; or, (4) representing directly or by implication, that the respondent's bed springs or mattresses, when used indiscriminately, may be relied or depended upon to correct any deformity or disease of the human body, or that the use of any such spring or mattress will provide any beneficial effect in orthopedic cases except to the extent that it will help to alleviate the pain and contribute to the comfort of the patient; prohibited, subject to the further provision, however, as respects the qualification in (a) with regard to the use of said words or mark on the label, etc., that if said words or said mark, appear on more than one side of the respondent's article, wrapper or carton, the respondent shall use said legend, as aforesaid, on each such side; and to the provision, as respects the qualification in (b) with regard to written advertisements containing said words or mark that if an advertisement covers more than one page, the respondent shall use said legend as aforesaid on each and every page on which said words or said mark shall appear.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Southern Spring Bed Company, Docket 5796, March 22, 1951]

In the Matter of Southern Spring Bed Company, a Corporation; and Richard N. Schwab, Clarence S. Moeckel, Phillip L. Peebles, William P. Rocker, and Robert W. Schwab, Jr., Individually and as Officers and Directors; Julian Price, J. B. Taylor, and Thomas H. Williams, Individually and as Officers; and Harrison Jones and Martin E. Kilpatrick, Individually and as Directors Respectively of Southern Spring Bed Company, a Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on July 12, 1950, issued and subsequently served upon the respondents named in the caption hereof its complaint in this proceeding, charging said respondents with the use of unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce in violation of the provisions of that act. After the filing of the respondents' answers to said complaint, a hearing was convened by a trial examiner of the Commission theretofore duly designated by it to take testimony and receive evidence in support of and in opposition to the allegations of the complaint, and at said hearing a stipulation of all of the facts in the case was entered into by and between counsel for the respondents and counsel in support of the complaint. On the basis of the record thus presented (all intervening procedure having been waived), the trial examiner on December 29, 1950, filed his initial decision.

The Commission, having reason to believe that the initial decision was deficient in certain material respects, on February 8, 1951, issued and thereafter served upon the respondent, Southern Spring Bed Company, its order placing this case on the Commission's own docket for review and affording said respondent an opportunity to show cause why the initial decision should not be altered in the manner and to the extent shown by the tentative decision attached to said order. The respondent not having appeared in response to the leave to show cause, this proceeding regularly came on for final consideration by the Commission upon the record herein on review; and the Commission, having duly considered the matter and being now fully advised in the premises, makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the trial examiner.

It is ordered, That the respondent, Southern Spring Bed Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the respondent's bed springs and mattresses, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using (subject to the permissible limits prescribed by the act of January 5, 1905, as amended by section 4 of the act of June 23, 1910) the words "Red Cross", or any abbreviation or simulation thereof, or the mark of a Greek red cross or any other mark, emblem, sign or insignia simulating a Greek red cross, on the respondent's products; or using said words or said mark in selling or advertising the same;

(a) Unless respondent uses upon the label, whether on the article, wrapper, or carton, and with equal clearness and conspicuousness, in immediate conjunction with said words or said mark, the legend, "This product has no connection whatsoever with The American National Red Cross": *Provided,* That if said words or said mark appear on more than one side of the respondent's article, wrapper, or carton, the respondent shall use said legend, as aforesaid, on each such side; and

(b) Unless the respondent, in each of its written advertisements containing said words or said mark uses the said legend with equal clearness and conspicuousness: *Provided,* That if an advertisement covers more than one page, the respondent shall use said legend as aforesaid on each and every page on which said words or said mark shall appear; and

(c) Unless the respondent, in each of its radio advertisements containing said words or said mark, makes the statement contained in said legend with equal clearness and conspicuousness.

2. Using the word "orthopedic", or any term or expression of like import, as a

[1] Filed as part of the original document.

designation for or as descriptive of its stock bed springs or mattresses;

3. Representing, directly or by implication, that the respondent's bed springs or mattresses are specially built and scientifically designed to meet the specifications of orthopedic surgeons or physicians, or that such springs or mattresses have the approval of any surgeon or physician for use, unless prescribed; or

4. Representing directly or by implication, that the respondent's bed springs or mattresses, when used indiscriminately, may be relied or depended upon to correct any deformity or disease of the human body, or that the use of any such spring or mattress will provide any beneficial effect in orthopedic cases except to the extent that it will help to alleviate the pain and contribute to the comfort of the patient.

It is further ordered, That the respondent, Southern Spring Bed Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with it.

Issued: March 22, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-6319; Filed, May 31, 1951; 8:48 a. m.]

[Docket 5815]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HESMER, INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Payment or acceptance of commission, brokerage or other compensation under 2 (c):* § 3.800 *Buyers' agents.* I. In connection with the purchase of food products or other commodities in commerce, and on the part of respondent corporation, and its officers, etc., receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon purchase made for said respondent's own account; and, II, in said connection, and on the part of respondent Mitchell (respondent's majority stockholder and president), individually and trading as the Ed. Mitchell Company, or under any other name or trade designation, and on the part of said respondent's agents, etc., receiving or accepting, directly or indirectly from any seller, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon purchases made by or for the respondent, Hesmer, Inc., or purchases made by or for any other purchaser for or on whose behalf the respondent, Edward A. Mitchell, is acting in fact as agent, representative, or other intermediary; prohibited.

(Sec. 2 (c), 49 Stat. 1526; 15 U. S. C. 13) [Cease and desist order, Hesmer, Inc., et al., Docket 5815, March 22, 1951]

In the Matter of Hesmer, Inc., a Corporation, and Edward A. Mitchell, Individually, as President of Said Corporation, and Doing Business as the Ed. Mitchell Company

Pursuant to the provisions of an act of Congress entitled "an act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act (15 U. S. C. 13), the Federal Trade Commission on October 6, 1950, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging said respondents with having violated subsection (c) of section 2 of said Clayton Act, as amended. After the filing of the respondents' answer a hearing was convened by a trial examiner of the Commission theretofore duly designated by it to take testimony and receive evidence in support of and in opposition to the allegations of the complaint, and at said hearing solely for the purposes of this proceeding a stipulation of all of the facts in the case was entered into by and between counsel for the respondents and the Director of the Commission's Bureau of Antimonopoly. On the basis of the record thus presented (all intervening procedure having been waived), the trial examiner on December 11, 1950, filed his initial decision.

The Commission, having reason to believe that the initial decision was deficient in certain material respects, on January 19, 1951, issued and thereafter served upon the parties its order placing this case on the Commission's own docket for review and affording the respondents an opportunity to show cause why said initial decision should not be altered in the manner and to the extent shown by the tentative decision attached to said order. The respondents not having appeared in response to the leave to show cause, this proceeding regularly came on for final consideration by the Commission upon the record herein on review; and the Commission, having duly considered the matter and being now fully advised in the premises, makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the trial examiner.

It is ordered, That the respondent, Hesmer, Inc., and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of food products or other commodities in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon purchases made for said respondent's own account.

It is further ordered, That the respondent, Edward A. Mitchell, individually and trading as The Ed. Mitchell Company, or trading under any other name or trade designation, and said respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of food products or other commodities in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon purchases made by or for the respondent, Hesmer, Inc., or purchases made by or for any other purchaser for or on whose behalf the respondent, Edward A. Mitchell, is acting in fact as agent, representative, or other intermediary.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with it.

Issued: March 22, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-6415; Filed, June 1, 1951; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 20—EMPLOYEES' BENEFITS

Chapter IV—Employees' Compensation Appeals Board, Department of Labor

PART 502—RULES OF PROCEDURE

DECISIONS

Section 502.6 of this part is hereby amended by deleting therefrom the parenthetical reference: "(Form AB-4)", effective as of the date of publication of this notice in the FEDERAL REGISTER.

(Sec. 32, 39 Stat. 749, as amended; 5 U. S. C. 783)

Signed at Washington, D. C., this 1st day of June 1951.

MAURICE J. TOBIN, *Secretary of Labor.*

[F. R. Doc. 51-6511; Filed, June 5, 1951; 8:48 a. m.]

Chapter V—Bureau of Employment Security, Department of Labor

PART 602—COOPERATION OF U. S. EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

CONFIDENTIAL CHARACTER OF RECORDS

Pursuant to the authority vested in me by section 12, 48 Stat. 117, as amended, 29 U. S. C. 49k, § 602.16 is hereby amended to read as follows:

§ 602.16 *Confidential character of records.* Each State agency shall:

(a) Assure that all information contained in the records of the State em-

ployment service and secured from workers, employers or other persons or groups as an incident to the State public employment service program, is used solely for the purpose of administering the State system of public employment offices as part of a national system of public employment offices, except that such information may be disclosed for other purposes in accordance with policies promulgated by the Director of the United States Employment Service to assure that such disclosures will not impede the operation of or be inconsistent with the purposes of the public employment service program.

(b) With respect to the receipt, storage, custody, dissemination and transmission of materials classified for national security purposes, comply with such procedures and instructions as may be promulgated by the Secretary of Labor or by such other officials of the Department of Labor as he may designate.

(Sec. 12, 48 Stat. 117, as amended; 29 U. S. C. 49k)

Signed at Washington, D. C., this 29th day of May 1951.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 51-6512; Filed, June 5, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 17, Amendment 2]

CPR 17—GASOLINES, NAPTHAS, FUEL OILS AND LIQUEFIED PETROLEUM GASES

RESIDUAL FUEL OILS AND BLENDS THEREOF WITH DISTILLATE FUEL OILS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment to Ceiling Price Regulation 17 (16 F. R. 3033) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment establishes specific ceiling prices for all grades of residual fuel oil at principal Eastern Seaboard ports. This action has been undertaken for two reasons. At the time of the issuance of Ceiling Price Regulation 17, it was the intent of the Director of Price Stabilization to establish specific ceiling prices for petroleum products wherever possible, and as quickly as possible. Specific ceiling prices are administratively desirable because they are precise, easily understood and enforceable. The second reason for the establishment of these specific prices is to make necessary increases in the ceiling prices established for these products under section 21, the formula pricing section of Ceiling Price Regulation 17, which froze such prices at the levels prevailing during the period December 19, 1950 through January 25, 1951. These modifications were found necessary due to substantial increases in tanker transportation costs which were not reflected in ceiling prices established under Ceiling Price Regulation 17. Such modifications will tend to assure the continuation of indispensable supplies and to stimulate the build-up of adequate inventories of residual fuel oil for this key industrial section of the nation.

Residual fuel oil supply and demand. Residual fuel oil is normally supplied by tanker transportation to the Atlantic Seaboard from refinery centers on the United States Gulf Coast and by imports from Venezuela and The Netherlands West Indies. In addition, this area is supplied from local refinery centers which operate on domestic crudes, supplemented by substantial imports of crude oils which, on the average, yield significant quantities of residual fuel oil. This product is a basic industrial fuel used for power generation, military installations, industrial establishments, as a heating fuel for commercial and residential buildings, and as bunker fuel for ships. Continuity in the supply of this vital product must be assured if there is to be no impairment in the operations of facilities dependent upon it for the expanding defense program and for the health and comfort of domestic consumers.

In 1950, demand for residual fuel oil in the East Coast States served principally by the seaboard and refinery points set forth in this amendment, was 762,800 barrels per day. Of this aggregate demand, 43.4 per cent was met by direct imports, 21.6 per cent by transfers from the U. S. Gulf Coast refinery district, 29.1 per cent from production on the East Coast, 5.6 per cent was transferred from the California refinery district, and .3 per cent came from a reduction in stocks on the East Coast. The California refinery district is not a normal source of residual fuel oil for the East Coast, excessive inventories and price conditions which made the 1950 transfers possible have since been removed. Thus, the 1950 supply from this area will not be available in 1951. Refinery operations at the Gulf Coast and the Eastern Seaboard are currently near maximum rated capacity, and additional yields from this production are not to be expected. Only through a change in percentage yields in favor of residual fuel oil from crude runs to stills in these refinery districts can supply of this product be augmented from these sources. At existing ceiling prices for petroleum products, such change would be uneconomic, since refinery realization is much greater for other products. Indeed, the present technological trend in the industry is the reduction of residual fuel oil yields in favor of the more profitable light products, such as gasoline and middle distillates. Therefore, present, as well as prospective demand can only be met by increased imports. Such imports increased from an average of about 200,000 barrels per day in 1949 to 350,000 barrels per day currently.

1950 demand on the East Coast exceeded 1949 demand by approximately 21 per cent. It is estimated by the Petroleum Administration for Defense that East Coast demand in 1951 will be about 810,000 barrels per day or 7.5 per cent greater than 1950 demand. Inventory trends cast considerable doubt on our ability to service this expanding requirement. To meet this requirement, supply must be augmented, demand diminished or a combination of both must take place. At the end of April, 1951, combined East Coast and Gulf Coast inventories of residual fuel oil were 15,100,000 barrels, a reduction of about 1,000,000 barrels or 5.6 per cent from the same period during the previous year. This is the lowest stock position for this combined area for this time of year since April, 1947. A more significant barometer of the adequacy of our inventory position is day's supply of residual fuel oil related to demand. The following table shows day's supply of residual stocks on the East Coast and Gulf Coast, by months, for the years 1947–51.

Day's Supply Residual Fuel Oil, Combined East and Gulf Coasts

Month	Year				
	1947	1948	1949	1950	1951
Jan. 1	21.7	20.3	34.9	20.9	16.3
Feb. 1	18.4	18.2	23.6	20.1	15.7
Mar. 1	17.2	18.3	30.1	17.2	16.4
Apr. 1	17.5	18.3	29.7	17.4	16.1
May 1	17.9	21.2	31.7	18.1	------
June 1	20.7	23.7	31.6	19.2	------
July 1	22.6	26.3	30.3	20.4	------
Aug. 1	26.3	30.2	28.3	21.1	------
Sept. 1	27.5	34.5	26.0	22.5	------
Oct. 1	27.1	37.6	25.3	22.3	------
Nov. 1	26.4	39.3	24.7	21.6	------
Dec. 1	22.4	35.2	21.9	18.3	------

It is clear from the foregoing that our stock position this spring relative to demand calculated in day's supply is similarly at its lowest level since the beginning of 1947. It is estimated that if stocks on April 1, 1952 are the same as they are today, they will represent only 14.9 days of supply based on anticipated demand at that time. Moreover, the Petroleum Administration for Defense considers a minimum safe level for entering the winter of 1951–52 to be 23,000,000 barrels at the Gulf and East Coasts as compared with the afore-mentioned level of only 15,100,000 barrels. Normally, inventories start accumulating during this time of year for the following winter. This normal trend is not taking place. Inventories have remained stable during the last month.

Residual fuel oil is in direct competition with other fuels, i. e., gas and coal. To some extent it is possible for both institutional and domestic consumers to substitute such other fuels, principally bituminous coal, in the absence of an adequate supply of residual fuel oil. Such substitution, however, is possible only within limits, and these limits are not sufficient to permit the economy to be endangered by loss of any part of this vital fuel which might threaten. At present relative ceiling prices for residual fuel oil and bituminous coal, there is no incentive for consumers with standby coal facilities, principally utilities, to shift from the use of oil, which is in tight supply, to coal. Indeed, to the extent that oil is available, existing cost relationships favor the substitution of oil for coal. Although it is not possible to

ascertain a precise parity between coal and oil due to the existence of many variable factors such as locational differences, energy yield disparities, particular plants involved, and estimates of handling convenience, the following comparison is roughly indicative of the value relationship between both fuels. Currently, the ceiling price at New York City for a ton of bituminous coal converted to a barrel of No. 6 residual fuel oil equivalent is approximately $2.31. The ceiling price for No. 6 Commercial Standard Specification Residual Fuel Oil at New York Harbor for tank car delivery is $2.15. Thus, existing ceilings for these competitive fuels favor fuel oil by $.16 per barrel, not including the value factor involved in the easier handling of fuel oil. As a result of this price relationship, an augmented demand is being imposed upon a tight fuel oil supply situation already strained by the high level of industrial activity.

Normal pricing structure on East Coast. As indicated above, the East Coast is directly dependent upon tidewater movement for the residual fuel oil it consumes. Accordingly, the cost structure determining the normal selling prices of these products is predicated upon two basic factors: (1) Prices at sources of origin, and (2) prevailing tanker transportation rates from origin to Eastern Seaboard ports. The base period selling price for No. 6 Commercial Standard Specification Fuel Oil, the principal residual fuel oil consumed, was $1.75 per 42-gallon barrel at the U. S. Gulf. This selling price has been frozen into a ceiling under Ceiling Price Regulation 17, together with prices ranging from $2.08 per barrel for tank car or transport truck deliveries at Miami, Florida, the most Southerly fuel oil import point on the East Coast, to $2.23 at Searsport, Maine, the most Northerly point. These prices have been in effect since July, 1950. At that time, East Coast prices were structuralized on the basis of an average transportation rate which reflected approximately the difference between these prices and Gulf Coast prices. Thus, the U. S. Gulf refinery district selling price of $1.75 per barrel for No. 6 Fuel Oil, plus the prevailing tanker rate of 25 to 30 cents per barrel to New York Harbor, the single largest consuming area of fuel oil on the Eastern Seaboard, resulted in a New York Harbor price of $2.00 per barrel. To this delivered tanker cost was added a customary differential of 15 cents per barrel to cover terminal operations, establishing a ceiling price of $2.15 for barge, tank car or transport truck sales. Since July, 1950, although the f. o. b. prices at points of origin have remained stable, as well as prices at Eastern Seaboard ports, there has taken place a steady and substantial increase in transportation rates for tanker movements. From a rate of 25–30 cents per barrel for movement from U. S. Gulf to New York Harbor, the spot market advanced to a peak of $1.31 per barrel during January, 1951. To the extent that any fuel oil importer was totally dependent upon the spot market for the chartering of tankers, he found himself in an untenable position having to sustain an out-of-pocket loss of $1.06 per barrel, representing the spot market increase in tanker rates above the levels upon which East Coast ceiling prices have been established. This rate has since declined reflecting a seasonal softening of charter rates, but it is anticipated that rates will become firmer and may reach the spot market high of January, 1951 as the 1951–52 winter is approached. However, the majority of fuel oil transported is not dependent on the spot market for tonnage. Most importers of residual fuel oil either own tanker tonnage or control tonnage at relatively favorable rates on the basis of long-term charters. This tonnage is insufficient to meet the requirements for importation of the total volume of product required to supply Eastern Seaboard demands, and there is a need for a substantial supplementation of owned and controlled tonnage by these importers who find it necessary, therefore, to secure charters on the open market. The principal suppliers of residual fuel oil have advised the Office of Price Stabilization that term charters for the winter of 1951–52 have been entered into at a cost of approximately 66 cents per barrel, U. S. Gulf to New York Harbor. In addition, individual companies owning tonnage have submitted that their operating costs for this tonnage have advanced between 20 per cent and 80 per cent since the end of World War II.

Control of tanker rates. During the last war, shipping rates were under the control of the War Shipping Administration and were established at a basic rate of approximately 44 cents per barrel for shipments from the U. S. Gulf to New York Harbor with specified differentials for other ports based on location. Under controls instituted by the Office of Price Administration, the difference between maximum prices for residual fuel oils at New York Harbor and maximum prices at the Gulf Coast refinery district reflected this differential. With the abandonment of rate control by the War Shipping Administration and the elimination of price controls of petroleum products in the middle of 1946, the differential between prices at the U. S. Gulf and the East Coast continued to reflect prevailing transportation rates within moderate variations until July, 1950. As previously noted, since July both long and short term charter rates have advanced very considerably above this World War II War Shipping Administration rate and the lower rate upon which current East Coast ceiling prices were established. At the present time, ceiling prices for domestic charter rates are established under the General Ceiling Price Regulation and, therefore, are subject to the control of the Office of Price Stabilization. These rates, in common with ceiling prices for other goods and services covered by the General Ceiling Price Regulation, are frozen at the highest levels charged during the period December 19, 1950, to January 25, 1951 to a purchaser of the same class. During the base period, spot market charter rates had soared to five times their pre-Korean level. Study is under way by the Office of Price Stabilization of the justification for this increase. However, since this is necessarily a time-consuming study involving foreign charters not subject to U. S. jurisdiction and calling for joint consideration by other agencies of government, it is, therefore, deemed unwise and inequitable to forego interim consideration and resolution of the petroleum pricing problem pending completion of this study.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

Representations were made to the Director of Price Stabilization that unless existing ceiling prices of residual fuel oils on the Eastern Seaboard are adjusted to reflect, in part, increased transportation costs, a serious shortage of these products will ensue, particularly as the full impact of the defense effort makes itself felt on the level of industrial activity. Principal importers have emphasized that as existing commitments expire, renewals will be reduced and importation of product held to an absolute minimum. Alternatively, it has been indicated that product will be diverted to more profitable world markets whose demands have also increased concomitant with the allied defense effort. The Petroleum Administration for Defense, the government agency charged with the responsibility for ensuring adequate supplies of petroleum products for the economy, has called attention to the need for stimulating the movement of residual fuel oil to the East Coast. In a letter to the Director, the Petroleum Administrator has stated that any price impediments obstructing the supply of product to, and the accumulation of adequate inventories in this strategic industrial area, should be removed.

On the basis of the foregoing, the Director of Price Stabilization finds that an adjustment in the ceiling prices of residual fuel oil on the Eastern Seaboard is both necessary and warranted. Failure to take such action could impair the defense effort and impose undue hardships on domestic consumers dependent upon this fuel. It should stimulate supply and encourage inventory expansion which usually takes place at this time of year, but instead has remained stable. In addition, percentage yields of residual fuel oil are declining and these adjustments will tend to arrest this trend. Moreover, by adjusting the price relationship between residual fuel oil and other fuels, a more satisfactory balance in the demand relationship between these fuels will be achieved.

With the prospect of an acute supply situation developing this winter, it is desirable and urgent that the industrial establishments, principally utilities, which are equipped to use coal through existing stand-by facilities, maximize such use. According to informed sources, more than twenty million barrels of residual fuel oil a year may be saved through conversions and such conversions will be stimulated by these price adjustments.

The adjustments in ceiling prices herein authorized range from 17 cents

per barrel at Miami, Florida, to 31 cents per barrel at Boston, Massachusetts, for No. 6 Commercial Standard Specifications Fuel Oil. In addition, provision is made for similar adjustments in the ceiling prices of all other grades of residual fuel oil. In selecting these amounts, consideration was given to two factors. Firstly, consideration was given to the substantial tonnage either owned or controlled by the importing oil companies which, to this extent at least, makes the spot market charter rates unrealistic. Thus, the amount of out-of-pocket loss suffered by payment of rates in excess of the transportation rates recognized in the ceiling prices established by this amendment, is partially offset. Secondly, in March, 1951, shipping companies entered into a participating pool under the direction of the Maritime Commission designed to make available to the Military Sea Transport Service, tonnage necessary to accomplish military requirements. In establishing this participating pool, the Maritime Commission, after an examination of operating costs of tankers, established a basic rate of 55 cents per barrel, Gulf to New York, for T/2 tankers which have a capacity of about 105,000 barrels of residual fuel oil, and a basic rate of 61 cents per barrel for Liberty Ships which are of smaller tonnage. Based on the T/2 rate, participants in the pool are receiving 11 cents per barrel higher than the basic rate established by the War Shipping Administration during the last war and the rate is approximately 30 cents per barrel higher than the rate upon which the present New York Harbor price structure is established.

The T/2 tanker rate established by the U. S. Maritime Commission appears to provide a fair basis for the adjustment of ceiling prices on the East Coast, necessitated by altered charter rates which have made these ceiling prices unrealistic. Accordingly, the adjustments in ceiling prices permitted by this amendment have been predicated upon the charter rates established for military movements by the U. S. Martime Commission. This action is tentative, pending the completion of studies designed to establish specific tanker rates for civilian movement as well as military movement of petroleum products.

In the judgment of the Director of Price Stabilization the ceiling prices established by this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

Ceiling Price Regulation 17 is amended by deleting the word "(reserved)" and by adding the following to section 21 (a):

SEC. 21. *Residual fuel oils and blends thereof with distillate fuel oils*—(a) *Specific prices*—(1) *No. 6 Commercial Standard Specifications Fuel Oil.* The ceiling prices for No. 6 Commercial Standard Specifications Fuel Oil in bulk lots for delivery into barge and tank car or transport trucks, f. o. b. refineries and Seaboard tanker terminals shall be as follows at the enumerated points below:

Atlantic coast ports	Dollars per 42-gallon barrel	
	Barge	Tank car or transport truck
Searsport, Maine	2.51	2.54
Portland, Maine	2.51	2.54
Portsmouth, New Hampshire	2.51	2.54
Everett, Massachusetts	2.51	2.51
Boston, Massachusetts	2.51	2.51
Fall River, Massachusetts	2.47	2.47
Tiverton, Rhode Island	2.47	2.47
Providence, Rhode Island	2.47	2.47
New London, Connecticut	2.47	2.47
New Haven, Connecticut	2.47	2.47
Bridgeport, Connecticut	2.47	2.47
New York City, New York	2.45	2.45
Philadelphia, Pennsylvania	2.45	2.48
Baltimore, Maryland	2.45	2.48
Norfolk, Virginia	2.40	2.43
Wilmington, North Carolina	2.33	2.36
Charleston, North Carolina	2.31	2.34
Savannah, Georgia	2.31	2.34
Jacksonville, Florida	2.28	2.31
Miami, Florida	2.22	2.25
Tampa, Florida	2.16	2.19
Port St. Joe, Florida	2.16	2.19
Panama City, Florida	2.16	2.19

(2) *Other residual fuel oil products.* Any seller who during the base period maintained a customary differential between No. 6 Commercial Standard Specifications Fuel Oil and other residual fuel oil products, such as low sulphur (maximum 1 per cent) No. 6 fuel oil, residual gas enrichment oils, residual No. 4 and 5 fuel oils and special No. 4 residual fuel oils may add to the specific prices set forth above such base period differentials.

(3) *Resellers.* Any reseller, or primary supplier acting as a direct seller to consumers or performing the function of a reseller, whose ceiling prices for residual fuel oils as established under other provisions of this regulation have been increased as a result of subparagraphs (1) and (2) above may add such increases to his ceiling prices.

(4) *Preservation of discounts, differentials, and allowances.* The ceiling prices determined under (1), (2), and (3) above shall in all cases reflect customary discounts, differentials and allowances in effect in the base period to all classes of purchasers.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 4, 1951.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6595; Filed, June 4, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 29, Amdt. 1]

GCPR, SR 29—CEILING PRICES FOR CERTAIN SALES AT RETAIL AND AT WHOLESALE

CORRECTION OF EXAMPLE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 29 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Supplementary Regulation 29 to the General Ceiling Price Regulation corrects Example 2 in section 3. Example 2 incorrectly determines percentage markup on the basis of the invoice cost of 24⅝¢ from Mill C when it should be determined on the basis of the net invoice cost of 24⅜¢ from Mill B.

AMENDATORY PROVISIONS

Example 2 in section 3 of Supplementary Regulation 29 to the General Ceiling Price Regulation is amended to read as follows:

Example 2. A wholesaler customarily bought unbleached muslin from several mills. In November 1950, he purchased muslin from Mill A at 24⅛ cents net per yard, at which time his selling price was 29 cents net per yard. On December 13, 1950, he purchased a lot of unbleached muslin from Mill B at 24⅜ cents net per yard and established a selling price of 30 cents net per yard. On January 11, 1951, he purchased another lot of the muslin from Mill C at 24⅝ cents net per yard, but did not change his selling price. The 30-cent price became the wholesaler's frozen ceiling price. On February 28, 1951, the wholesaler purchased a lot of muslin from Mill A at 25⅛ cents net per yard; and on April 13, 1951, purchased from Mill B at 25⅜ cents net per yard. The wholesaler recalculates his ceiling price under this section as follows: He finds the percentage markup by reference to the last invoice received from any supplier before establishing the price which became his "frozen" price (i. e., the invoice from Mill B for 24⅜ cents net per yard), and determines his percentage markup with reference to his frozen price (30−24⅜=5⅝÷21⅜=23.1%) and applies the percentage markup on cost, 23.1%, to the net invoice cost on the last invoice received from each supplier prior to May 28, 1951. He finds that he has received invoices from Mill A on February 28, and from Mill B on April 13, and that as to these suppliers he will have two ceiling prices: for sales of muslin purchased from Mill A his ceiling price will be 30⅞ cents per yard (25⅛ × .231=5⅘+25⅛=30⅞ cents); for sales of muslin purchased from Mill B his ceiling price will be 31¼ cents per yard (25⅜ × .231=5⁹⁄₁₀+25⅜=31¼ cents).

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on the 4th day of June 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6594; Filed, June 4, 1951; 4:00 p. m.]

[General Overriding Regulation 12]

GOR 12—CERTAIN SOLID FUEL EXEMPTIONS

ANTHRAFILT AND SEACOAL FACING

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency Gen-

eral Order No. 2 (16 F. R. 738), this General Overriding Regulation 12 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation is designed to exempt from price control certain solid fuels. At this time only two specially prepared coals called "anthrafilt" and "seacoal facing" when sold for non-fuel purposes are exempted, but it is anticipated that other items may be added from time to time.

The first of these, "anthrafilt", is prepared from selected sizes of Pennylvania anthracite and is used in lieu of sand and gravel as a filter medium in municipal filters, swimming pool filters, and all types of industrial filters. The total sales of anthrafilt during 1950 amounted to 8,701 tons. The market is very limited, anthrafilt being used only when new filters are built, or when existing filtration plants replace sand and gravel with anthrafilt; replacement is negligible. The product is engineered and sold exclusively by one organization designed to promote non-fuel uses of anthracite coal. While Ceiling Price Regulation 4 now governs Pennsylvania anthracite produced and sold f. o. b. mine, that regulation makes no mention of anthracite when used as a filter medium, and some confusion now exists as to whether or not Ceiling Price Regulation 4 governs the sale of anthrafilt.

While it is anticipated that there will be some increase in the price of anthrafilt if it is exempted from price control, this increase is not expected to go beyond that already granted coal producers as a result of the wage increase granted miners February 1, 1951. Anthrafilt, during the days of the Office of Price Administration, was exempt and no excess price increase was noted.

The other type of coal exempted is known as "seacoal facing" and is prepared by grinding and crushing high grade bituminous coal. For distribution purposes, it is usually packed in 100 lb. bags and sold to foundries for use in molds in the preparation of certain castings. The total use of seacoal facing during 1950 was approximately 100,000 tons, which is a very small part of the 550 to 560 million tons of bituminous coal produced annually. While seacoal facing is an element of cost in the production of castings, it represents less than 1/10 of 1 percent of the current price of such castings. An extremely competitive situation exists in seacoal facing and as there is no shortage at the present time, nor any foreseeable shortage, it is not expected that exemption from price control will result in any unjustified increase in price. In addition, the Director has concluded that the maintenance of controls on these items would present the Office of Price Stabilization with administrative difficulties which are disproportionate to their significance.

This order exempting these two products also requires that the Office of Price Stabilization, Solid Fuels Branch, Washington 25, D. C., be notified of any price increase at the time such increase is to be put into effect. In this way the Office of Price Stabilization will be kept current with the price situation and will have immediate knowledge of any undue price increases, if such should occur.

REGULATORY PROVISIONS

Sec.
1. Applicability of this regulation.
2. Exemptions.
3. Suspensions.
4. Special treatment.
5. Records.
6. Reporting.
7. Definitions.
8. Reservations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability of this regulation.* This General Overriding Regulation exempts or suspends from price control the sales of certain solid fuels either directly or when sold for certain uses. This regulation also treats specially the sales of certain products or certain sales of products.

SEC. 2. *Exemptions.* No price regulation issued by the Office of Price Stabilization shall apply to the following:

(a) Sales by the producers or distributors of Pennsylvania anthracite when sold and delivered under the trade name, "Anthrafilt", for use as a filter medium. Persons making such sales are subject to the record-keeping (section 5) and reporting (section 6) provisions of this regulation.

(b) Sales by producers or distributors of bituminous coal when sold and delivered as seacoal facing for use on a non-fuel basis in the preparation of molds for castings. Persons making such sales are subject to the record-keeping (section 5) and reporting (section 6) provisions of this regulation.

SEC. 3. *Suspensions.* [Reserved]

SEC. 4. *Special treatment.* [Reserved]

SEC. 5. *Records.* (a) When required by the provisions of sections 2, 3, or 4 of this regulation, those persons making sales referred to in this regulation shall maintain for the inspection of the Director of Price Stabilization for a period of two years all records relating to such sales, indicating elements of cost and receipts.

(b) [Reserved]

SEC. 6. *Reporting.* (a) When required by the provisions of sections 2, 3, or 4 of this regulation, those persons selling the commodities listed in this regulation shall notify the Office of Price Stabilization, Solid Fuels Branch, Washington 25, D. C., within ten days after making any general increase in prices above those in effect on the effective date of this regulation.

(b) [Reserved]

SEC. 7. *Definitions.* The terms in this regulation shall be construed as follows:

(a) "Anthrafilt" means anthracite coal prepared and sold for use as a filter medium under the trade name "Anthrafilt".

(b) "Seacoal facing" means bituminous coal prepared and sold for use in the preparation of molds for castings and not as fuel.

(c) "Distributor" means a person who purchases a solid fuel f. o. b. mine or preparation plant for resale.

(d) "Solid fuel" means bituminous and anthracite coal, coke, briquets, semi-bituminous, sub-bituminous, lignite, Virginia anthracite, whether used for fuel or otherwise.

SEC. 8. Reservations. The Director of Price Stabilization reserves the right (a) to require persons covered by this regulation to submit records in connection with any price increase, and (b) to impose ceiling prices at any time for the sale of commodities listed in this regulation.

Effective date. This General Overriding Regulation shall become effective June 11, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD P. PHELPS, Jr.,
Acting Director of Price Stabilization.

JUNE 5, 1951.

[F. R. Doc. 51-6614; Filed, June 5, 1951; 4:00 p. m.]

Chapter XV—Federal Reserve System

[Regulation X, Interpretations 34 and 35]

REG. X—REAL ESTATE CREDIT

INT. 34—APPRAISED VALUE OF LOT AND RESIDENCE

Where a residence is to be constructed on a lot acquired more than twelve months ago, the "value" of the residential property, in accordance with the provisions of paragraph (i) (2) (ii) (b) of section 2 of Regulation X, is the appraised value of both the lot and residence.

INT. 35—SHORT-TERM CONSTRUCTION CREDITS

Section 5 (b) of Regulation X exempts from the prohibitions of Regulation X certain construction loans having a maturity of not more than 18 months. The Board, in Interpretation 12 (16 F. R. 2506) stated that a note evidencing such a construction loan which has a maturity of less than 18 months may be renewed pending completion of construction if the date of maturity of the renewal is not more than 18 months after the date the credit originally was extended.

It is the opinion of the Board, however, that such a note having a maturity of less than 18 months may not be renewed after the construction has been completed, even if the date of maturity of the renewal is not more than 18 months after the date the credit originally was extended.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950

Supp. Interpret or apply sec. 602, Pub. Law 774, 81st Cong.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-6490; Filed, June 5, 1951; 8:46 a. m.]

[Regulation W, Interpretations 36 and 37]

REG. W—CONSUMER CREDIT

INT. 36—AUTOMOBILE APPRAISAL GUIDES

Certain publishers of automobile appraisal guides designated for purposes of Regulation W plan to publish in forthcoming editions, in addition to the ceiling prices approved by the Office of Price Stabilization (which in general are the average retail prices estimated for January 1951), an estimate of up-to-date, current average retail values. The Board has no objection to the publication of such current figures in the guides and, in fact, considers it desirable. However, until further notice, the appraisal guide value for purposes of Part 4 of section 9 (the Supplement to Regulation W) shall continue to be based on the average retail prices approved by the Office of Price Stabilization for price ceiling purposes.

INT. 37—CREDITS OVER $2,500 OR $5,000

From time to time questions have been received under Regulation W concerning the provisions of sections 7 (a), 8 (j) (5) and (6) which exempt from the regulation instalment credit "in a principal amount" exceeding $5,000 in the case of automobiles, and exceeding $2,500 in other cases.

The views expressed herein shall be regarded as superseding the views expressed in any earlier interpretations under the regulation which may be inconsistent with the views here expressed.

(a) *Whether credits considered individually or collectively.* In certain circumstances, credits may be added and treated collectively as a single credit for the purposes of the foregoing dollar figures. To be considered collectively as a single credit, the indebtedness must not only be incurred between the same Registrant and one customer, but it also must be incurred pursuant to a basic contract between them which governs the indebtedness and which must be relied upon to enforce the indebtedness. Even if there is some kind of basic contract, various items under it cannot be added together to reach the $2,500 (or $5,000) figure if they are represented by individual notes or other evidences of indebtedness that would support an action for the debt without resorting to the basic contract.

The amount stated in the basic contract is not controlling except to the extent that articles have actually been delivered or funds actually been disbursed pursuant to the contract. This may be illustrated by an example in which a Registrant and a customer enter into a contract for the delivery and instalment sale to the customer of, say, 50 refrigerators. Suppose further that each delivery of refrigerators is represented only by a mere receipt that refers back to the original contract and would not support a separate action. In such a case, deliveries under the original, basic contract would be subject to the regulation until the outstanding indebtedness exceeded $2,500. Once that figure was exceeded the entire credit would be exempt. Additional deliveries under the contract while the indebtedness exceeded $2,500 would also be exempt.

The foregoing principles would apply also in the case of instalment leases or instalment loans.

(b) *Continuance of over-$2,500 ($5,000) exemption.* The over-$2,500 (or $5,000) exemption is not lost merely because the principal amount of instalment indebtedness falls below such figure as the obligation is paid down. However, when such indebtedness has fallen below the exemption figure, additions thereto do not get the benefit of the exemption unless they are sufficient to bring the total of the indebtedness above the exemption figure. When the outstanding credit under a leasing or similar contract for financing quantity merchandising has exceeded the exemption amount, substitutions or exchanges of articles that are contemplated by the contract may be made without regard to cash repayments that may in the meantime have reduced the amount of the credit.

(Sec. 5, 40 Stat. 415, as amended, sec. 601, Pub. Law 774, 81st Cong.; 50 U. S. C. app. 5., E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-6506; Filed, June 5, 1951; 8:47 a. m.]

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 33 (SRM-2)]

SRM-2—AUTHORITY AND RESPONSIBILITY OF GENERAL AGENTS TO UNDERTAKE EMERGENCY REPAIRS IN FOREIGN PORTS

Sec.
1. What this order does.
2. General Agents authority.
3. General Agents responsibilities.
4. General provisions.

AUTHORITY: Sections 1 to 4 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order outlines General Agents responsibilities and limited authority in connection with repairs in foreign ports to vessels operated for the account of the National Shipping Authority under General Agency Agreement.

SEC. 2. *General Agents authority.* The General Agents are hereby delegated authority to undertake for the account of the National Shipping Authority only such emergency repairs outside the Continental United States as may be necessary to enable vessels to complete their voyages, provided the repair costs are not in excess of $5,000.00 per vessel.

SEC. 3. *General Agents responsibilities.* In the event the cost of emergency repairs to a vessel in a foreign port is estimated to exceed $5,000.00, requests for approval shall be transmitted by General Agents by cable or wire addressed to Chief, Division of Ship Repair and Maintenance, Office of Ship Operations, National Shipping Authority, Commerce Building, Washington 25, D. C. and shall include the following information:

(a) The cost and time to effect permanent repairs on a straight time and overtime basis;

(b) The cost and time to effect such temporary repairs on a straight time and overtime basis as will enable the vessel to return to the United States under its own power or under tow;

(c) Whether required repairs can be effected by the use of facilities under the direct control of the Army, Navy, or other agencies of the United States Government, and if so, at what cost and time; and

(d) Where major repairs are involved, a recommendation regarding the advisability of repairing the vessel or abandoning it.

SEC. 4. *General provisions.* The General Agents shall keep the Division of Ship Repair and Maintenance in Washington fully posted in detail as to the nature, extent, cost, and estimated time for completion of all foreign repairs where such repairs are for the account of the National Shipping Authority.

As soon as practicable after completion of either temporary or permanent repairs, the General Agent shall forward to the Division of Ship Repair and Maintenance, Washington, D. C., the following:

(a) A copy of the repair specifications;

(b) An itemized statement of the costs of the repairs supported by copies of invoices;

(c) A copy of the completion certificate showing the repair period, signature of a National Shipping Authority representative (if available), the Agent's technical representative, the Chief Engineer, and the Master of the vessel.

(d) A report indicating the causes and circumstances leading to the repairs.

General Agents shall forthwith instruct their subagents and other representatives in foreign areas and their Masters and Chief Engineers with respect to their operations, pursuant to this directive.

This directive is intended strictly to limit repairs in foreign waters on vessels under National Shipping Authority control to those absolutely necessary to enable the vessels to complete their respective voyages at a port in the United States.

This directive shall not be construed to affect outstanding directives of the Office of the Comptroller.

Effective date: This order shall be effective on the date of publication in the FEDERAL REGISTER.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6548; Filed, June 5, 1951; 8:51 a. m.]

[NSA Order No. 34 (SRM-3)]

SRM-3—AUTHORITY AND RESPONSIBILITY OF GENERAL AGENTS TO UNDERTAKE IN CONTINENTAL UNITED STATES PORTS EMERGENCY REPAIRS AND SERVICE EQUIPMENT OF VESSELS OPERATED FOR THE ACCOUNT OF THE NATIONAL SHIPPING AUTHORITY UNDER GENERAL AGENCY AGREEMENT

Sec.
1. What this order does.
2. General Agents authority.
3. General provisions.

AUTHORITY: Sections 1 to 3 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order outlines General Agents limited authority to arrange for and award contracts for emergency repairs and servicing equipment of vessels operated for the account of the National Shipping Authority under General Agency Agreement.

SEC. 2. *General Agents authority.* The General Agents are:

(a) Hereby delegated authority to arrange for and award contracts for repairs only in emergency situations on vessels operated under the General Agency Agreement for the account of the National Shipping Authority when the aggregate cost of all such repairs in any one continental United States Port is not in excess of $1,000.00.

(b) Also delegated authority to arrange for and order the performance of minor repairs to or servicing of pantry and galley equipment, radios, gyro compasses, fathometers, radio direction finders, Lux fire extinguisher systems, ships clocks, binoculars, barometers, typewriters, adding machines, and any other vessel equipment of a similar nature where the aggregate amount does not exceed $500.00 in any one continental United States Port.

SEC. 3. *General provisions.* (a) The emergency repairs, as covered by Section 2 (a), may be awarded by the General Agents within the limitation specified under either Worksmalrep contract or the Master Lump Sum Repair Contract if the contractor is a holder thereof.

(b) The repairs to or servicing of ships equipment, as covered by section 2 (b), may be awarded by the General Agents within the limitation specified by letter or purchase order.

Effective date. This order shall be effective on the date of publication in the FEDERAL REGISTER.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6549; Filed, June 5, 1951; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Order 1; Docket No. 3666]

PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of May 1951.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831-835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made a part thereof.

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

PART 71—GENERAL INFORMATION AND REGULATIONS

Amend § 71.13 paragraph (b) (3) (15 F. R. 8263, Dec. 2, 1950), redesignated (a) (3) in 49 CFR 71.13, 1950 Rev., to read as follows:

(3) Shipments of explosive bombs and unfuzed explosive projectiles when not packed in wooden boxes, and large metal containers of incendiary bombs weighing 500 pounds or more, each, may be loaded in stock cars or in gondola cars (flat bottom) when adequately braced. Wooden boxed bombs which, due to size, cannot be loaded in closed cars may be loaded in open top cars but must be protected against accidental ignition.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAML OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5, Commodity list (15 F. R. 8263, Dec. 2, 1950) (49 CFR 72.5, 1950 Rev.) as follows:

Article	Classed as—	Exemption and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Acetyl benzoyl peroxide, solution	Oxy. M	No exemption, 73.222	Yellow	1 quart.
Magnesium peroxide, solid	Oxy. M	73.153, 73.154	Yellow	100 pounds.
Peracetic acid	Oxy. M	73.223	Yellow	5 pints.
*Rubber shoddy, regenerated rubber, or reclaimed rubber.	F. S	73.153, 73.201	Yellow	10 pounds.
Zinc peroxide	Oxy. M	73.153, 73.154	Yellow	100 pounds.
Add				
Antimony pentachloride, solution	Cor. L	73.242, 73.245	White	5 pints.
Chlorpicrin and methyl chloride, mixture	Pois. A	No exemption, 73.329 (c).	Poison Gas.	75 pounds.
Formic acid, solution	Cor. L	73.244, 73.245, 73.289	White	5 gallons.
Tetraethyl dithio pyrophosphate and compressed gas mixture.	Pois. A	No exemption, 73.334	Poison Gas.	Not accepted.
Tetranitromethane	Oxy. M	No exemption, 73.203	Yellow	25 pounds.
*Thiocarbonyl-chloride (see thiophosgene).				
Thiophosgene (thiocarbonyl-chloride)	Pois. B	No exemption, 73.356	Poison	1 gallon

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 73—SHIPPERS

1. Cancel first three paragraphs and Note 1 appearing under authority citation for Part 73 (15 F. R. 8275, Dec. 2, 1950) (15 F. R. 8824, Dec. 12, 1950) (49 CFR 73, 1950 Rev.).

2. Add Note 1 to § 73.8 paragraph (a), (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.8, 1950 Rev.) to read as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, compressed gas cylinders 40 inches in length and 8 inches in diameter, charged with not more than 40 pounds of carbon dioxide or when charged with nitrogen not in excess of 2,000 pounds per square inch, and shipped by or to the Canadian Department of National Defense in accordance with Board of Transport Commissioners for Canada Order No. 76253 dated Mar. 10, 1951, may be shipped to destinations in the United States or through the United States to points in Canada.

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

3. Amend § 73.29 paragraph (a) (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.29, 1950 Rev.) to read as follows:

§ 73.29 *Empty containers.* (a) Empty cylinders, barrels, kegs, drums, or other containers, previously used for the shipment of any explosive or other dangerous article, as defined in this part, if authorized for reuse must have all openings including removable heads, filling and vent holes, tightly closed before being offered for transportation. Small quantities of the material with which containers were loaded may remain in "empty" containers and when the vapors remaining therein are unstable, it is permissible to add sufficient inert gas to render the vapors stable.

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

4. Amend § 73.53 paragraph (i) (15 F. R. 8286, Dec. 2, 1950) (49 CFR 73.53, 1950 Rev.) to read as follows:

(i) *Ammunition for cannon.* Ammunition for cannon is fixed, semi-fixed or separate loading ammunition which is fired from a cannon, mortar, gun, howitzer or recoilless rifle.

5. Amend § 73.65 paragraph (b) (2) (15 F. R. 8289, Dec. 2, 1950) (49 CFR 73.65, 1950 Rev.) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums. Net weight not to exceed 200 pounds.

6. Amend § 73.93 paragraph (a) (5) (15 F. R. 8294, Dec. 2, 1950) (49 CFR 73.93, 1950 Rev.) to read as follows:

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums. Use of these containers will be permitted because of the present emergency and until further order of the Commission.

7. Amend § 73.94 paragraph (e) (15 F. R. 8295, Dec. 2, 1950) (49 CFR 73.94, 1950 Rev.) to read as follows:

(e) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums. Drums having wooden heads must be provided with a strong, sift-proof liner. Use of these containers will be permitted because of the present emergency and until further order of the Commission.

8. Amend § 73.100 paragraphs (b) (p), and (r), (1) (10), and (11) (15 F. R. 8295, 8296, Dec. 2, 1950) (49 CFR 73.100, 1950 Rev.) to read as follows:

(b) Small-arms ammunition, designed to be fired from a pistol, revolver, rifle, or shotgun held by the hand or by the hand and shoulder, or machine guns of caliber less than .75, is fixed ammunition consisting of a metallic or paper cartridge case, a primer and a propelling charge, with or without bullet, shot, tear gas material, or tracer components, but not including bullets loaded with high explosives or incendiary compositions or mixtures.

(p) Toy paper caps, consisting of paper cap ammunition for toy pistols, in sheets, strips, rolls, or individual caps, must not contain more than an average of twenty-five hundredths of a grain of explosive composition per cap and must be packed in inside packages constructed of cardboard not less than 0.013 inch in thickness, metal not less than 0.008 inch in thickness, or noncombustible plastic not less than 0.015 inch in thickness, which shall provide a complete enclosure and the minimum dimensions of each side or end of such package shall be not less than ⅛ inch in height. Unless greater weight of composition is approved by the Bureau of Explosives, the number of caps in these inside packages shall be limited so that not more than 10 grains of explosive composition shall be packed into one cubic inch of space and not exceeding 17.5 grains of the explosive composition of toy caps shall be packed in any inside container. These inner containers must be packed in outside containers as specified in § 73.109.

(r) Common fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. Fireworks other than those specifically enumerated in this paragraph are classed as special fireworks (see § 73.88 (d)). Common fireworks must be in the finished state exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. No component part of any article listed in this paragraph which is designed to produce an audible effect (other than propelling or expelling charges) shall contain pyrotechnic composition in excess of 2 grains in weight.

(1) Roman candles, not exceeding ten balls spaced uniformly in the tube, total pyrotechnic composition in each candle not to exceed 20 grams in weight.

* * * * *

(10) Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed 40 grams each in weight.

(11) Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half inches in length or one quarter inch in diameter, total pyrotechnic composition not to exceed two grains each in weight.

9. Amend § 73.107 paragraph (c) (15 F. R. 8296, Dec. 2, 1950) (49 CFR 73.107, 1950 Rev.) to read as follows:

(c) Small-arms primers containing anvils must be packed in cellular inside packages, with partitions separating the layers and columns of the primers, so that the explosion of a portion of the primers in the completed shipping package will not cause the explosion of all the primers. They must be packed as prescribed in paragraph (a) of this section or in fiberboard boxes, spec. 12B (§ 78.205 of this chapter), and equipped with corrugated fiberboard liners having Mullen or Cady test equal to or exceeding that of the box. Not more than 5000 primers shall be packed in each fiberboard box.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

10. Amend § 73.116 paragraph (h) (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.116, 1950 Rev.) to read as follows:

(h) No cargo tank or compartment thereof used for the transportation of any flammable liquid shall be liquid full. The vacant space (outage) in a cargo tank or compartment thereof used in the transportation of flammable liquids shall be not less than 1 percent; sufficient space (outage) shall be left vacant in every case to prevent leakage from or distortion of such tank or compartment by expansion of the contents due to rise in temperature in transit.

11. Amend § 73.119 paragraphs (a) (9) and (a) (12), (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

(9) Spec. 21A, 21B, 22A, or 22B (§§ 78.222, 78.223, 78.196, or 78.197 of this chapter). Fiber drums and plywood drums with a single inside glass, earthenware, or metal container of not over 1 gallon capacity in each drum. Inside container must be so cushioned at top, sides, and bottom, as to prevent breakage or leakage in transit.

(12) Spec. 103, 103–W, 103AL–W, 104, 104–W, 104A, 104A–W, 105A300, 105A300–W, 105A400, 105A400–W, 105A500, 105A500–W, 105A600, 105A600–W, ARA–II,[2] ARA–III,[2] ARA–IV,[2] or ARA–IV–A.[2] Tank cars. (§§ 78.265, 78.280, 78.291, 78.269, 78.284, 78.270, 78.285, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, and 78.289 of this chapter.) For cars equipped with expansion domes, manhole closures must be so designed that pressure will be released automatically by starting the operation of removing the manhole cover. (See § 73.432 for shipping instructions.)

12. Amend § 73.119 paragraph (e) (2) (15 F. R. 8299, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

(2) Spec. 103, 103–W, 103AL–W, 104, 104–W, 104A, 104A–W, 105A300, 105A300–W, 105A400, 105A400–W, 105A500, 105A500–W, 105A600, 105A600–W, ARA–II,[2] ARA–III,[2] ARA–IV,[2] or ARA–IV–A[2]. Tank cars. (§§ 78.265, 78.280, 78.291, 78.269, 78.284, 78.270, 78.285, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, and 78.289 of this chapter). Cars having expansion domes must be equipped with manhole closures, identification marks, and dome placards as prescribed in paragraphs (f) (4), (g), (h), and (h) (1) of this section. (See Note 1 of paragraph (f) (3) of this section).

13. Amend § 73.119 paragraph (f) (4) (15 F. R. 8299, 8300, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

(4) Spec. 103, 103–W, 103AL–W, 104, 104–W, ARA–II,[2] ARA–III,[2] or ARA–IV.[2] Tank cars. (§§ 78.265, 78.280, 78.291, 78.269, and 78.284 of this chapter). Cars must have their manhole closures equipped with approved safeguards making removal of closures from manhole openings practically impossible while car interior is subjected to vapor pressure of lading. These cars must be stenciled on each side of domes in line with the ladders, and in a color contrasting to the color of the dome, with the identification mark as prescribed in paragraph (g) of this section.

14. Amend § 73.119 paragraph (h) (15 F. R. 8300, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

(h) *Dome placards.* Spec. 103, 103–W, 103AL–W, 104, 104–W, ARA–II,[1] ARA–III,[1] or ARA–IV.[1] Tank cars. (§§ 78.265, 78.280, 78.291, 78.269, and 78.284 of this chapter). Cars loaded with materials described in paragraphs (e) and (f) of this section must, in addition to the "Dangerous" placards, be protected by special dome placards, at least 4⅛ by 10⅞ inches, with legible wording as follows: (No change in dome placard).

15. Add paragraph (a) (6) to § 73.124 (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.124, 1950 Rev.) to read as follows:

(6) Spec. 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, or 105A600W. Tank cars. (§§ 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, or 78.289 of this chapter). Tanks must be restenciled 104A or 104A–W and be equipped with safety valves of the type and size used on 104A and 104A–W tank cars. See Note 1 in § 73.119 (f) (3). (See § 73.432 for shipping instructions.)

16. Amend § 73.138 paragraph (a) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.138, 1950 Rev.) to read as follows:

§ 73.138 *Pentaborane.* (a) Pentaborane must be packed in specification cylinders as prescribed for any compressed gas, except acetylene. Cylinders must be protected with valve protection caps or must be packed in strong wooden boxes and blocked therein so as to protect the valves from injury under conditions ordinarily incident to transportation.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

17. Cancel paragraph (c) (27) of § 73.153 (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.).

18. Add paragraphs (c) (27) and (c) (60) to § 73.153, (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

(27) Tetranitromethane.
(60) Acetyl benzoyl peroxide, solution.

19. Amend § 73.154 paragraph (a) (9) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.154, 1950 Rev.) to read as follows:

(9) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums.

20. Amend § 73.156 paragraph (a) (5) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.156, 1950 Rev.) to read as follows:

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums.

21. Amend § 73.163 paragraph (a) (3) (15 F. R. 8305, Dec. 2, 1950) (49 CFR 73.163, 1950 Rev.) to read as follows:

(3) Spec. 21A, 21B, 22A, or 22B (§§ 78.222, 78.223, 78.196, or 78.197 of this chapter). Fiber or plywood drums with inside metal drums, Spec. 2F (§ 78.25 of this chapter).

22. Amend § 73.168 paragraph (a) (2) (15 F. R. 8306, Dec. 2, 1950) (49 CFR 73.168, 1950 Rev.) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums with inside metal drums, Spec. 2F (§ 78.25 of this chapter).

23. Amend § 73.175 paragraph (a) (4) (15 F. R. 8306, Dec. 2, 1950) (49 CFR 73.175, 1950 Rev.) to read as follows:

(4) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums.

24. Amend § 73.178 paragraph (a) (6) (15 F. R. 8307, Dec. 2, 1950) (49 CFR 73.178, 1950 Rev.) to read as follows:

(6) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums.

25. Amend § 73.195 paragraph (a) (5) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.195, 1950 Rev.) to read as follows:

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums. Must be externally treated to provide protection against moisture.

26. Amend § 73.197 paragraph (a) (3) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.197, 1950 Rev.) to read as follows:

(3) Sheets, rolled, in fiber drums, spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter), having 2 straps applied lengthwise and 1 or more circumferentially; straps at least ½ by 0.02 inch steel.

27. Amend § 73.201 paragraph (a) (4) (5) and (8) and paragraph (b) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.201, 1950 Rev.) to read as follows:

§ 73.201 *Rubber scrap, rubber buffings, rubber shoddy, regenerated rubber or reclaimed rubber.* (a) Rubber scrap, if ground, powdered, or granulated, and the rubber content of which exceeds 45 percent, as determined by subtracting the sum of the percentage of ash and the percentage of acetone extract from 100; rubber buffings from any grade of rubber, irrespective of the percentage of rubber content; and rubber shoddy, regenerated rubber, or reclaimed rubber, must be packed in specification containers as follows (see paragraph (b) of this section):

* * * * *

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes.
(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums.

* * * * *

(8) Spec. 36A, 36B, or 44B (§§ 78.230, 78.231, or 78.236 of this chapter). Bags.

(b) Rubber scrap, rubber shoddy, regenerated rubber, or reclaimed rubber are not subject to Parts 71–78 of this chapter if shipped in the following forms:

(1) Rubber scrap, not ground or ground with cord or fabric insertion.

(2) Rubber shoddy, regenerated rubber, or reclaimed rubber when in the form of dense homogeneous nonporous sheets or rolls, the sheets of thickness of ⅛ inch or greater, packed flat or in rolls, and properly cooled before shipment.

28. Cancel § 73.203 paragraphs (a) and (b) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.203, 1950 Rev.).

29. Add § 73.203 paragraph (a) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.203, 1950 Rev.) to read as follows:

§ 73.203 *Tetranitromethane.* (a) Tetranitromethane must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, gross weight not exceeding 150 pounds, with inside containers which must be: glass bottles not more than 1 quart capacity each, with closures securely fastened and of a type not deteriorated by the contents, each bottle individually packed in a tight metal container and cushioned therein with absorbent incombustible material; or aluminum cans or polyethylene bottles, not more than 5 pounds capacity each, with opening not more than 1.25 inches diameters, fitted with securely fastened screw type closures and gaskets of material not deteriorated by contact with the contents, cushioned with not less than 2 inches of absorbent incombustible cushioning material between the inside containers and any part of the wooden box.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums, with inside stainless steel or aluminum drum (or drums) having no opening exceeding 2.5 inches diameter, openings to be securely closed by a screw type gasketed device, with gaskets of material not deteriorated by contact with the contents. The inside drum (or drums) must be cushioned with not less than 2 inches of absorbent incombustible cushioning material; inside drums shall be of not less than 20 gauge metal and shall be tested for leakage before packing in the outside drum.

30. Amend § 73.204 paragraphs (a) (5) and (a) (6) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.204, 1950 Rev.) to read as follows:

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums with inside metal drums.

(6) Spec. 21A or 21F (§§78.222 or 78.223 of this chapter). Fiber drums, net weight not over 250 pounds; drums must have a metal foil (laminated between two sheets of kraft paper with thermoplastic adhesive) moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by §§ 78.222–4 and 78.223–4 of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior; drums must not be offered for transportation by carriers by water.

31. Amend § 73.206 (paragraph (c) (2), (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.206, 1950 Rev.) to read as follows:

(2) Spec. 17H or 37D (§§ 78.118 or 78.125 of this chapter). Metal drums (single-trip) authorized for cylindrical blocks at least 2 inches in diameter and not less than 6 inches in length, or rectangular blocks not less than 6 inches in length and not less than 2 inches in any other dimension. Net weight not over 30 pounds.

32. Amend § 73.207 paragraph (b) (5) (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.207, 1950 Rev.) to read as follows:

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums which must be lined or coated, or otherwise treated so as to prevent the entrance of moisture in quantities sufficient to create a hazardous condition in transportation; drums to withstand two drops from height of 4 feet in same spot or

one 6 foot drop in place of drop test as provided in Spec. 21A or 21B (§§ 78.222–4 or 78.223–4 of this chapter); maximum loaded capacity 250 pounds net. Use of this container will be permitted because of the present emergency and until further order of the Commission.

33. Amend § 73.222 paragraph (a) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.222, 1950 Rev.) to read as follows:

§ 73.222 *Acetyl peroxide and acetyl benzoyl peroxide, solution.* (a) Acetyl peroxide must be shipped in solution in a non-volatile solvent and must contain not more than 25 percent by weight of the peroxide. Acetyl benzoyl peroxide must be shipped in solution in a non-volatile solvent and must contain not more than 40 percent by weight of the peroxide. They must be packed in specification containers as follows:

34. Add paragraph (b) to § 73.223 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.223, 1950 Rev.) to read as follows:

(b) Peracetic acid solutions not exceeding 40 percent strength packed in strong wooden or fiberboard boxes, with not more than one inside glass container not exceeding 1 pint or 1 pound capacity, cushioned with sterile absorbent cotton or other cushioning material which will not react with the contents to generate heat, and with such cushioning material in sufficient quantity to completely absorb the contents of the bottle, are exempt from specification packaging, marking, other than name of contents, and labeling requirements.

35. Amend § 73.227 paragraph (a) (2) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.227, 1950 Rev.) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums completely coated on the inside with a suitable wax; or fiber drums having a metal foil (laminated) between two sheets of kraft paper with thermoplastic adhesive moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior to drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by §§ 78.222–4 or 78.223–4 of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS: DEFINITION AND PREPARATION

36. Add paragraph (a) (5) to § 73.254 (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.254, 1950 Rev.) to read as follows:

(5) Spec. MC 310 (§ 78.330 of this chapter). Tank motor vehicles.

37. Amend § 73.261 paragraph (a) (2), (15 F. R. 8316, Dec. 2, 1950) (49 CFR 73.261, 1950 Rev.) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums with a single inside container consisting of a glass bottle not over 64 fluid ounces capacity filled with not over six pounds by weight of sulfuric acid (approximately 50 fluid ounces by volume). Bottle must be suspended in center of outside container by means of adequate supports and surrounded by bicarbonate of soda in sufficient quantity to fill drum and neutralize contents in the event of breakage.

38. Amend § 73.266 paragraph (f) (15 F. R. 8319, Dec. 2, 1950) (49 CFR 73.266, 1950 Rev.) to read as follows:

(f) Hydrogen peroxide solution in water exceeding 52 percent hydrogen peroxide by weight may also be packed in specification containers as follows:

(1) Spec. 103A–AL–W (§ 78.292 of this chapter). Tank cars. Venting arrangement must be approved by the Bureau of Explosives.

39. Add paragraph (g) to § 73.266 (15 F. R. 8319, Dec. 2, 1950) (49 CFR 73.266, 1950 Rev.) to read as follows:

(g) Hydrogen peroxide solution in water exceeding 52 percent hydrogen peroxide by weight may also be shipped in tank motor vehicles subject to Parts 71–78 of this chapter provided that such shipments are for ultimate use by the Departments of the Army, Navy, and Air Force of the United States Government. Tank motor vehicles must be of design and venting arrangement approved by the Bureau of Explosives.

40. Amend § 73.275 paragraph (a) (1) (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.275, 1950 Rev.) to read as follows:

(1) Spec. 15A, 12B, 21A, or 21B (§§ 78.168, 78.205, 78.222, or 78.223 of this chapter). Wooden boxes, fiberboard boxes, or fiber drums with inside containers which must consist of polystyrene or polyethylene bottles not over 2 pounds capacity each, closed by means of threaded acid-resistant caps with a resilient gasket or lining impervious to the acid; caps must have at least one complete continuous thread and be wired or sealed to the bottle to prevent turning of cap after bottle is closed for shipment.

41. Amend § 73.289 paragraph (a) (15 F. R. 8323, Dec. 2, 1950) (49 CFR 73.289, 1950 Rev.) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) Formic acid and formic acid solutions must be packed in specification containers as follows:

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

42. Amend § 73.301 paragraph (f) (2) (15 F. R. 8324, Dec. 2, 1950) (49 CFR 73.301, 1950 Rev.) to read as follows:

(2) Manifolding is authorized for containers of the following gases, provided individual containers are equipped with approved safety devices as required by § 73.34 (f) and further provided that each container is equipped with individual shut-off valve, or valves, which shall be tightly closed while in transit. Manifold branch lines to these individual shut-off valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. When a temperature measuring device is used on a cylinder the manifold shut-off valve shall be deemed the equivalent of the individual shut-off valve; boron trifluoride; hydrogen; hydro-carbon gases (nonliquefied); methane.

43. Amend § 73.309 paragraph (a) (15 F. R. 8327, Dec. 2, 1950) (49 CFR 73.309, 1950 Rev.) to read as follows:

§ 73.309 *Acetylene gas.* (a) Acetylene gas must be shipped in cylinders, spec. 8 or 8AL (§§ 78.59 or 78.60 of this chapter). The cylinders must be filled with a porous material that has been tested with satisfactory results by the Bureau of Explosives, and this material must be charged with a suitable solvent.

44. Amend § 73.314 paragraph (a) Table, (15 F. R. 8328, Dec. 2, 1950) (49 CFR 73.314, 1950 Rev.) to read as follows:

Kind of gas	Maximum permitted filling density, note 1	Required type of tank car, note 2
Change		
Dichlorodifluoromethane	119 125	ICC–106A500, ICC–110A500–W, note 12, ICC–105A300.
Monochlorodifluoromethane	105 110	ICC–106A500, ICC–110A500–W, note 12, ICC–105A300.

45. Amend § 73.314 paragraph (a) Table Note 3 paragraph (b) (15 F. R. 8328, Dec. 2, 1950) (49 CFR 73.314, paragraph (a) Table Note 3 paragraph (b), 1950 Rev.) to read as follows:

(b) Because of the present emergency and until further order of the Commission, and only for shipments made during the months of November to March, inclusive, the following filling densities may be used in lieu of those specified in the table in Note 3 (a).

[No change in table.]

46. Amend § 73.314 paragraph (a) Table Note 12, (15 F. R. 8329, Dec. 2, 1950) (49 CFR 73.314 paragraph (a) Table Note 12, 1950 Rev.) to read as follows:

NOTE 12: Tanks complying with specification 106A500 (§ 78.275 of this chapter), containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., or dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane or monochlorodifluoromethane, or tanks complying with specification 106A800 (§ 78.276 of this chapter), containing hydrogen sulfide, may be transported on trucks or semitrailers only, when securely chocked or clamped thereon to

prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 of this chapter, for rail freight-motor vehicle shipments.

47. Amend § 73.314 paragraph (g) (15 F. R. 8329, Dec. 2, 1950) (49 CFR 73.314, 1950 Rev.) to read as follows:

(g) The maximum quantity of any liquefied gas, except crude nitrogen fertilizer solution, fertilizer ammoniating solution containing free ammonia, methyl chloride, and vinyl chloride, inhibited, loaded into tanks mounted on one car structure must not exceed 60,000 pounds: *Provided,* That for single-unit tank car tanks having water weight capacities not less than 86,240 pounds nor over 90,640 pounds, lagged with 4 inches of corkboard, equipped with one or more safety valves set to open at a pressure of 225 pounds per square inch, the total discharge capacity of which must be sufficient to prevent building up of pressure in the tank in excess of 225 pounds per square inch, mounted on one car structure, tank jackets stenciled ICC–105A300 (§ 78.271 of this chapter) if tanks are forge-welded and ICC–105A300W (§ 78.286 of this chapter) if tanks are fusion-welded, and in all other respects constructed and maintained in full compliance with I. C. C. shipping container specification 105A500 or 105A500W (§§ 78.273 or 78.288 of this chapter), the quantity of liquefied chlorine gas or liquefied sulfur dioxide gas loaded into such tanks must be not more than 110,000 pounds and the quantity of liquefield chlorine gas loaded into such tanks must be at least 107,800 pounds. (See Appendix D to Subpart I of Part 78 of this chapter.)

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

48. Amend § 73.329 paragraph (c) (15 F. R. 8332, Dec. 2, 1950) (49 CFR 73.329, 1950 Rev.) to read as follows:

(c) Chlorpicrin, mixture of chlorpicrin and methyl chloride, or mixtures of chlorpicrin with nonpoisonous liquid, in addition to containers prescribed in paragraphs (a) and (b) of this section, when offered for transportation by carriers by rail freight, highway, or water may be shipped in specification containers as follows:

49. Amend § 73.334 paragraph (a) (15 F. R. 8333, Dec. 2, 1950) (49 CFR 73.334, 1950 Rev.) to read as follows:

§ 73.334 *Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate mixtures.* (a) Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate mixtures with compressed gas, containing not more than 10 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate must be packed in specification containers as follows:

50. Add paragraph (b) (7) to §73.345 (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.345, 1950 Rev.) to read as follows:

(7) Thiophosgene.

51. Amend § 73.353 paragraph (a) (2) (15 F. R. 8335, Dec. 2, 1950) (49 CFR 73.353, 1950 Rev.) to read as follows:

(2) Spec. 15A, 15B, 15C, 16A, 19A, or 12B (§§ 78.168, 78.169, 78.170, 78.185, 78.190, or 78.205 of this chapter). Wooden, wire-bound wooden, or fiberboard boxes, with inside metal cans containing not over 1 pound each; outage required so can shall not become liquid-full at 130° F. Cans must be of tinplate or lined with suitable material and must have concave or pressure ends. Cans must be able to withstand an interior pressure of 130 pounds per square inch gauge without evidence of leakage or permanent distortion.

52. Add § 73.356 paragraph (a) (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.356, 1950 Rev.) to read as follows:

§ 73.356 *Thiophosgene.* (a) Thiophosgene must be packed in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside containers which must be tightly closed glass bottles not exceeding 1 pint capacity each, securely packed in absorbent incombustible cushioning material. Cushioning material must be capable of absorbing entire contents of the container.

(2) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with inside containers which must be tightly closed glass bottles not exceeding 1 quart capacity each, securely packed in absorbent incombustible cushioning material. Cushioning material must be capable of absorbing entire contents of container.

53. Amend § 73.373 paragraph (a) (3) (15 F. R. 8338, Dec. 2, 1950) (49 CFR 73.373, 1950 Rev.) to read as follows:

(3) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums, gross weight 400 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; in addition to tests prescribed by §§ 78.222–4 or 78.223–4 of this chapter, a drum must withstand two drops from a height of 6 feet to solid concrete, the first drop to be made diagonally on bottom chime and the second drop diagonally on the top chime; when heads are made of wood, the grain of the wood must run parallel to concrete surface.

54. Amend § 73.374 paragraph (a) (2), (15 F. R. 8338, Dec. 2, 1950) (49 CFR 73.374, 1950 Rev.) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums, authorized only for nitrochlorbenzene, para, flaked, gross weight 400 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; in addition to tests prescribed by §§ 78.222–4 and 78.223–4 of this chapter, a drum must withstand two drops from a height of 6 feet to solid concrete, the first drop to be made diagonally on the bottom chime and the second drop diagonally on the top chime; when heads are made of wood, the grain of the wood must run parallel to concrete surface.

55. Amend § 73.392 paragraph (c) (15 F. R. 8339, Dec. 2, 1950) (49 CFR 73.392, 1950 Rev.) to read as follows:

(c) Radioactive materials such as ores, residues, etc., of low activity packed in strong tight containers are exempt from specification packaging and labeling requirements for shipment in carload lots by rail freight only provided the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 12 feet from any surface of the car and that the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 5 feet from either end surface of the car. There must be no loose radioactive material in the car, and the shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation. The car must be placarded by the shipper as provided in §§ 74.541 (b) and 74.553 of this chapter. Shipments must be loaded by consignor and unloaded by consignee.

(Sec. 204. 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 74—CARRIERS BY RAIL FREIGHT

1. Add Note 1 to § 74.505 paragraph (a) (15 F. R. 8345, Dec. 2, 1950) (49 CFR 74.505, 1950 Rev.) to read as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, compressed gas cylinders 40 inches in length and 8 inches in diameter, charged with not more than 40 pounds of carbon dioxide or when charged with nitrogen not in excess of 2,000 pounds per square inch, and shipped by or to the Canadian Department of National Defense in accordance with Board of Transport Commissioners for Canada Order No. 76253 dated Mar. 10, 1951, may be shipped to destinations in the United States or through the United States to points in Canada.

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

2. Amend § 74.526 paragraph (b) (1) (15 F. R. 8346, 8347, Dec. 2, 1950) (49 CFR 74.526, 1950 Rev.) to read as follows:

(b) Shipments of explosive bombs and unfuzed explosive projectiles when not packed in wooden boxes, and large metal containers of incendiary bombs weighing 500 pounds or more, each, may be loaded in stock cars or in gondola cars (flat bottom) when adequately braced. Wooden boxed bombs which, due to size, cannot be loaded in closed cars may be loaded in open top cars but must be protected against accidental ignition.

(1) Explosives, class A, must not be loaded, transported, or stored in cars equipped with lighted heaters.

3. Amend § 74.529 paragraph (a) (15 F. R. 8347, Dec. 2, 1950) (49 CFR 74.529, 1950 Rev.) to read as follows:

§ 74.529 *Cars for class B explosives.* (a) Explosives, class B, must not be

loaded, transported, or stored in cars equipped with lighted heaters.

4. Amend § 74.532 paragraphs (b), (d), and (e) (15 F. R. 8347, Dec. 2, 1950) (49 CFR 74.532, 1950 Rev.) to read as follows:

(b) Flammable liquids (red label) and flammable gases (red gas label) must not be loaded, transported, or stored in cars equipped with lighted heaters.

(d) Metal barrels or drums containing flammable liquids may be loaded on steel gondola or flat cars or into stock cars, but must not be loaded into hopper bottom cars.

(Note 1 to paragraph (d) remains unchanged.)

(e) Empty cylinders, barrels, kegs, or drums, previously used for the shipment of any dangerous article, as defined in Part 73 of this chapter, must have all openings including removable heads, filling and vent holes properly closed before being offered for transportation. Small quantities of the material with which containers were loaded may remain in "empty" containers and when the vapors remaining therein are unstable, it is permissible to add sufficient inert gas to render the vapors stable.

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

5. Amend § 74.584 paragraph (a) Table (15 F. R. 8354, Dec. 2, 1950) (49 CFR 74.584, 1950 Rev.) to read as follows:

	Label notation to follow entry of the article on the billing	Placard notation to follow entry of the article on the billing	Placard endorsement must be ⅜ high and appear on the billing near the space provided for the car number
For high explosives, initiating explosives and low explosives, class A, and smokeless powder for small arms in quantity exceeding 50 pounds net weight.	None	"Explosives Placard".	"Explosives".
For explosive chemical ammunition containing class A poison gas.	Poison gas label	"Explosives and Poison Gas Placard".	"Explosives" and "Poison Gas".
For explosives, class B, except smokeless powder for small arms in quantity exceeding 50 pounds net weight.	None	"Dangerous Placard".	"Dangerous".
For explosives, class C	None	None	None.
For flammable liquids	Red label	"Dangerous Placard".	"Dangerous".
For flammable solids	Yellow label	"Dangerous Placard".	"Dangerous".
For oxidizing materials	Yellow label	"Dangerous Placard".	"Dangerous".
For corrosive liquids	White label	"Dangerous Placard".	"Dangerous".
For compressed nonflammable gases in containers other than tank cars.	Green label	None	None.
For compressed nonflammable gases in tank cars	None	"Dangerous Placard".	"Dangerous".
For compressed flammable gases	Red gas label	"Dangerous Placard".	"Dangerous".
For poisonous gases or liquids, class A	Poison gas label	"Poison Gas Placard".	"Poison Gas".
For poisonous liquids or solids, class B	Poison label	"Dangerous Placard".	"Dangerous".
For tear gases, class C	Tear gas label	None	None.
For radioactive materials, class D, poison	Radioactive materials label.	"Dangerous class D Poison Placard".	"Dangerous class D Poison".

6. Amend § 74.589 paragraph (g) (7), (15 F. R. 8356, Dec. 2, 1950), redesignated as (h) (7) in 49 CFR 74.589, 1950 Rev., to read as follows:

(7) Loaded flat car.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subparagraph (8) of this paragraph.

7. Amend § 74.589 paragraph (i) (7) (15 F. R. 8356, Dec. 2, 1950), redesignated as (j) (7) in 49 CFR 74.589, 1950 Rev., to read as follows:

(7) Loaded flat car.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subparagraph (8) of this paragraph.

8. Add paragraph (a) (1) to § 74.595 (15 F. R. 8357, 8358, Dec. 2, 1950) (49 CFR 74.595, 1950 Rev.) to read as follows:

(1) Small quantities of the material with which the tank car was loaded may remain in the "empty" tank car and when the vapors remaining therein are unstable it is permissible to add sufficient inert gas to render the vapors stable.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. Add Note 1 to § 77.805 paragraph (a) (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.805, 1950 Rev.) to read as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, compressed gas cylinders 40 inches in length and 8 inches in diameter, charged with not more than 40 pounds of carbon dioxide or when charged with nitrogen not in excess of 2,000 pounds per square inch, and shipped by or to the Canadian Department of National Defense in accordance with Board of Transport Commissioners for Canada Order No. 76253, dated March 10, 1951, may be shipped to destinations in the United States or through the United States to points in Canada.

2. Amend § 77.840 paragraph (c) (15 F. R. 8367, Dec. 2, 1950) (49 CFR 77.840, 1950 Rev.) to read as follows:

(c) Tanks complying with specification 106A500 (§ 78.275 of this chapter), containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., or dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane or monochlorodifluoromethane, or tanks complying with specification 106A800 (§ 78.276 of this chapter), containing hydrogen sulfide, may be transported on trucks or semitrailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (1) of this chapter, for rail freight-motor vehicle shipments.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. Amend § 78.51–10 paragraph (c) (15 F. R. 8406, Dec. 2, 1950) (49 CFR 78.51–10, 1950 Rev.) to read as follows:

(c) Cylinders with wall thickness less than 0.100 inch, the ratio of tangential length to outside diameter shall not exceed 4.0.

2. Amend § 78.51–17 paragraph (d) (15 F. R. 8407, Dec. 2, 1950) (49 CFR 78.51–17, 1950 Rev.) to read as follows:

(d) *Alternate guided-bend test.* An alternate guided-bend test jig, as illustrated in § 78.51–23 (a) and (b), may be used for testing the soundness of fillet welded lap joints and joggle butt joints. The test specimen shall be bent across the weld as illustrated in sketch A or B for fillet welded lap joints and as illustrated in sketches C and D for joggle butt joints. The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gauge lines—a to b, shall be at least 20 percent; except that this percentage may be reduced for steels having a tensile strength in excess of 50,000 pounds per square inch, as provided in § 78.51–16. No tested specimen shall show a crack, or other defect, as specified in § 78.51–17 (c). The gauge lines shall be lightly scribed before bend-

ing. The amount of elongation may be conveniently determined with a Brinell microscope or any other suitable method may be employed.

3. Amend § 78.51–20 paragraph (a) Table I (15 F. R. 8407, Dec. 2, 1950) (49 CFR 78.51–20, 1950 Rev.) to read as follows:

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent				
	1315 [2] [4]	HIS [2] [4]	MAY [2] [4]	NAX [2] [4]	COR [2] [4]
Carbon	0.10/0.20	0.12 max.	0.12 max.	0.20 max.	0.12 max.
Manganese	1.10/1.65	0.50/0.90	0.50/1.00	0.45/0.75	0.20/0.50.
Phosphorus	0.045 max.	0.05/0.12	0.08/0.12	0.045 max.	0.07/0.15.
Sulfur	0.05 max.	0.05 max.	0.05 max.	0.05 max.	0.05 max.
Silicon	0.15/0.35	0.15 max.	0.10/0.50	0.50/0.90	0.25/0.75.
Chromium			0.40/1.00	0.45/0.70	0.50/1.25.
Molybdenum		0.08/0.18			
Zirconium				0.05/0.25	
Nickel		0.45/0.75	0.25/0.75		0.65 max.
Copper	0.40 max.	0.95/1.30	0.50/0.70		0.25/0.55.
Aluminum		0.12/0.27			
Heat treatment authorized	[3]	[3]	[3]	[3]	[3]
Maximum stress	35,000	35,000	35,000	35,000	35,000.
	SCX [2] [4]	4017 [2] [4]	OTY [2] [4] [5]	RDT [2] [4] [5] [6]	YOL [2] [4] [5] [6]
Carbon	0.20 max.	0.13/0.20	0.15 max.	0.12 max.	0.15 max.
Manganese	0.60/1.00	0.75/1.10	0.90/1.40	0.50/1.00	0.30/0.60.
Phosphorus	0.045 max.	0.04 max.	0.09/0.135	0.040 max.	0.04 max.
Sulfur	0.045 max.	0.04 max.	0.04 max.	0.050 max.	0.05 max.
Silicon	0.15/0.30	0.25/0.35	0.10 max.		
Chromium	0.15/0.50				
Molybdenum	0.15/0.35	0.25/0.35		0.10/0.30	
Zirconium					
Nickel				0.50/1.20	1.50/2.00.
Copper	0.20/0.50		0.30/0.70	0.50/1.00	0.75/1.25.
Aluminum					
Heat treatment authorized	[3]	[3]	[3]	[3]	[3]
Maximum stress	35,000	35,000	35,000	35,000	35,000.

[1] A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, section 10, dated June 1945, are not exceeded or are approved by the Bureau of Explosives.
[2] This designation shall not be restrictive and the commercial steel is limited in analysis shown in the table.
[3] Any suitable heat treatment in excess of 1,100° F., except that liquid quenching is not permitted.
[4] Addition of other elements to obtain alloying effect is not authorized.
[5] Grain size 6 or finer according to A. S. T. M. Spec. E 19–46.
[6] Only fully killed steel authorized.

4. Amend § 78.55–2 paragraph (c) (15 F. R. 8417, Dec. 2, 1950) (49 CFR 78.55–2, 1950 Rev.) to read as follows:

(c) *Size.* The maximum water capacity of this type shall not exceed 12 pounds or 333 cubic inches. The maximum outside diameter of the shell shall be five inches and maximum length of shell 21 inches.

5. Amend § 78.59–12 paragraph (b) (15 F. R. 8420, Dec. 2, 1950) (49 CFR 78.59–12, 1950 Rev.) to read as follows:

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure.

6. Amend § 78.59–16 paragraph (a) (15 F. R. 3420, Dec. 2, 1950) (49 CFR 78.59–16, 1950 Rev.) to read as follows:

§ 78.59–16 *Porous filling.* (a) Cylinders must be filled with an approved porous material of such structure that it will not disintegrate or sag when wet with solvent or when subjected to normal service. The porous filling material shall be uniform in quality and free of voids, except that a well drilled into the filling material beneath the valve is authorized, provided that such a well be filled with a material of such type that the functions of the filling material are not impaired. Overall shrinkage of the filling material is authorized, provided the total clearance between the cylinder shell and filling material, after solvent has been added, does not exceed ½ of 1 percent of the respective diameter or length but in no case to exceed ⅛ inch measured diametrically and longitudinally and that such clearances do not impair the functions of the filling material. In all cases, the filling material as installed in the cylinder must be approved by the Bureau of Explosives.

7. Amend § 78.60–4 paragraph (a) Table 1 (15 F. R. 8422, 8423, Dec. 2, 1950) (49 CFR 78.60–4, 1950 Rev.) to read as follows:

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent				
	1315 [2] [4]	HIS [2] [4]	MAY [2] [4]	NAX [2] [4]	COR [2] [4]
Carbon	0.10/0.20	0.12 max.	0.12 max.	0.20 max.	0.12 max.
Manganese	1.10/1.65	0.50/0.90	0.50/1.00	0.45/0.75	0.20/0.50.
Phosphorus	0.045 max.	0.05/0.12	0.08/0.12	0.045 max.	0.07/0.15.
Sulfur	0.05 max.	0.05 max.	0.05 max.	0.05 max.	0.05 max.
Silicon	0.15/0.35	0.15 max.	0.10/0.50	0.50/0.90	0.25/0.75.
Chromium			0.40/1.00	0.45/0.70	0.50/1.25.
Molybdenum		0.08/0.18			
Zirconium				0.05/0.25	
Nickel		0.45/0.75	0.25/0.75		0.65 max.
Copper	0.40 max.	0.95/1.30	0.50/0.70		0.25/0.55.
Aluminum		0.12/0.27			
Heat treatment authorized	[3]	[3]	[3]	[3]	[3]
Maximum stress	35,000	35,000	35,000	35,000	35,000.
	SCX [2] [4]	4017 [2] [4]	OTY [2] [4] [5]	RDT [2] [4] [5] [6]	YOL [2] [4] [5] [6]
Carbon	0.20 max.	0.12/0.20	0.15 max.	0.12 max.	0.15 max.
Manganese	0.60/1.00	0.75/1.10	0.90/1.40	0.50/1.00	0.30/0.60.
Phosphorus	0.045 max.	0.040 max.	0.09/0.135	0.040 max.	0.04 max.
Sulfur	0.045 max.	0.040 max.	0.040 max.	0.050 max.	0.05 max.
Silicon	0.15/0.30	0.25/0.35	0.10 max.		
Chromium	0.15/0.50				
Molybdenum	0.15/0.35	0.25/0.35		0.10/0.30	
Zirconium					
Nickel				0.50/1.20	1.50/2.00.
Copper	0.20/0.50		0.30/0.70	0.50/1.00	0.75/1.25.
Aluminum					
Heat treatment authorized	[3]	[3]	[3]	[3]	[3]
Maximum stress	35,000	35,000	35,000	35,000	35,000.

[1] A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, section 10, dated June 1945, are not exceeded or are approved by the Bureau of Explosives.
[2] This designation shall not be restrictive and the commercial steel is limited in analysis shown in the table.
[3] Any suitable heat treatment in excess of 1,100° F., except that liquid quenching is not permitted.
[4] Addition of other elements to obtain alloying effect is not authorized.
[5] Grain size 6 or finer according to A. S. T. M. Spec. E 19–46.
[6] Only fully killed steel authorized.

8. Amend § 78.60–14 paragraph (b) (15 F. R. 8423, Dec. 2, 1950) (49 CFR 78.60–14, 1950 Rev.) to read as follows:

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure.

9. Amend § 78.60–20 paragraph (a) (15 F. R. 8424, Dec. 2, 1950) (49 CFR 78.60–20, 1950 Rev.) to read as follows:

§ 78.60–20 *Porous filling.* (a) Cylinders must be filled with an approved porous material of such structure that it will not disintegrate or sag when wet with solvent or when subjected to normal service. The porous filling material shall be uniform in quality and free of voids, except that a well drilled into the filling material beneath the valve is authorized: *Provided,* That such a well be filled with a material of such type that the functions of the filling material are not impaired. Overall shrinkage of the filling material is authorized, provided the total clearance between the cylinder shell and filling material, after solvent has been added, does not exceed ½ of 1 percent of the respective diameter or length but in no case to exceed ⅛ inch measured diametrically and longitudinally and that such clearances do not impair the functions of the filling ma-

terial. In all cases, the filling material as installed in the cylinder must be approved by the Bureau of Explosives.

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS, AND BOXES

10. Amend § 78.83–11 paragraph (a) (15 F. R. 8435, Dec. 2, 1950) (49 CFR 78.83–11, 1950 Rev.) to read as follows:

78.83–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing on footring on drums equipped with footrings, or on metal plates securely attached to drum by welding after which the part to which the plate is attached must be annealed, as follows:

11. Amend § 78.107–9 paragraph (a) (3) (15 F. R. 8446, Dec. 2, 1950) (49 CFR 78.107–9, 1950 Rev.) to read as follows:

(3) Gauge of metal, Brown and Sharpe, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50).

12. Amend § 78.108–9 paragraph (a) (3) (15 F. R. 8447, Dec. 2, 1950) (49 CFR 78.108–9, 1950 Rev.) to read as follows:

(3) Gauge of metal, Brown and Sharpe, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50).

13. Amend § 78.109–9 paragraph (a) (3) (15 F. R. 8447, Dec. 2, 1950) (49 CFR 78.109–9, 1950 Rev.) to read as follows:

(3) Gauge of metal, Brown and Sharpe, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50).

14. Amend § 78.116–8 paragraph (b) (15 F. R. 8448, 8449, Dec. 2, 1950) (49 CFR 78.116–8, 1950 Rev.) to read as follows:

(b) Closing part (plug, cap, plate, etc. see Note 1) must be of metal as thick as prescribed for head of container: *Provided*, That thinner metal closures or closures of other material are authorized for containers of 12 gallons capacity or less when opening to be closed is not over 2.5'' diameter and closures, except threaded metal closures, are fitted with outside sealing devices which cannot be removed without destroying the closure or sealing device. Closures of a material other than metal must be of a type approved by the Bureau of Explosives for use, after satisfactory proof of efficiency.

(Note 1 to paragraph (b) remains unchanged.)

15. Amend § 78.125–5 paragraph (a) Table (15 F. R. 8451, Dec. 2, 1950) (49 CFR 78.125–5, 1950 Rev.) to read as follows:

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gage, United States standard)	
				Body sheet	Head sheet
55	80	Straight side	No	24	24
	160	do	No	22	22
	300	do	No	20	20
	425	do	No	19	19
	480	do	Yes	19	19
	880	do	Yes	18	18

16. Amend § 78.126–5 paragraph (a) Table (15 F. R. 8452, Dec. 2, 1950) (49 CFR 78.126–5, 1950 Rev.) to read as follows:

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gage, United States standard)	
				Body sheet	Head sheet
55	80	Straight side	No	26	26
	160	do	No	25	25
	220	do	No	24	24
	425	do	No	22	22
	480	do	Yes	22	22
	880	do	Yes	20	20

17. Amend § 78.127–5 paragraph (a) Table and footnote (15 F. R. 8452, Dec. 2, 1950) (49 CFR 78.127–5, 1950 Rev.) to read as follows:

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gage, United States standard)	
				Body sheet	Head sheet
55	80	Straight side	No	26	26
55	160	do	No	26	26
55 [1]	275	do	No	24	24
55	425	do	No	24	24
55	480	do	Yes	24	24
55	880	do	Yes	22	22

[1] Because of the present emergency and until further order of the Commission.

18. Amend § 78.128–5 paragraph (a) Table (15 F. R. 8453, Dec. 2, 1950) (49 CFR 78.128–5, 1950 Rev.) to read as follows:

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gage, United States standard)	
				Body sheet	Head sheet
55	80	Straight side	No	28	28
	160	do	No	28	28
	325	do	No	26	26
	425	do	No	24	24
	480	do	Yes	26	26
	880	do	Yes	24	24

19. Amend § 78.129–5 paragraph (a) Table (15 F. R. 8453, Dec. 2, 1950) (49 CFR 78.129–5, 1950 Rev.) to read as follows:

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Minimum thickness in the black (gage, United States standard)	
			Body sheet	Head sheet
10	45	Straight side	28	28
35	145	do	26	26
30	245	do	24	24
55	245	do	22	22

20. Amend § 78.136–9 paragraph (a) (3) (15 F. R. 8454, Dec. 2, 1950) (49 CFR 78.136–9, 1950 Rev.) to read as follows:

(3) Gauge of metal, Brown and Sharpe, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50).

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS AND MAILING TUBES

21. Amend § 78.205–28 paragraph (a) (15 F. R. 8476, Dec. 2, 1950) (49 CFR 78.205–28, 1950 Rev.) to read as follows:

§ 78.205–28 *Special box; authorized only for wet electric storage batteries of impregnated rubber, asphaltum composition, wooden-battery-box type, or aluminum-case type, having a net weight greater than 75 pounds.* (a) Must comply with this specification except as follows: Must be one-piece type of double wall corrugated fiberboard at least 400-pound test, or solid fiberboard testing at least 400 pounds; boxes may or may not have hand holes provided for in ends of box providing same will not materially weaken box, top of battery to be protected by wood frame, corrugated trays or scored sheets of corrugated fiberboard having minimum test of 200 pounds, top protection must bear evenly on connectors of battery to facilitate stacking of batteries; bottom of batteries to be protected by minimum of one excelsior pad

or double wall corrugated fiberboard pad; sides and ends to be cushioned between batteries and walls of box; combined thickness of cushioning material and walls of box must be not less than ½", cushioning to be of excelsior pads, corrugated fiberboard or other suitable cushioning material; no more than one battery to be packed per box, authorized gross weight 190 pounds.

22. Amend § 78.214–14 paragraph (a) (15 F. R. 8479, 8480, Dec. 2, 1950) (49 CFR 78.214–14, 1950 Rev.) to read as follows:

§ 78.214–14 *Flap closures.* (a) Flaps must butt or have full overlap excepting that inner flaps may overlap ½ inch.

SUBPART I—SPECIFICATIONS FOR TANK CARS

23. Add § 78.291 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.291, 1950 Rev.) to read as follows:

§ 78.291 *Specification for tank cars having fusion-welded aluminum tanks Class ICC–103–AL–W.* This specification covers Class ICC–103–AL–W tank cars having fusion-welded aluminum tanks to which have been added Association of American Railroads details which are not inconsistent therewith. Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads' Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e)—Procedure.

ICC–1. *Type.* (a) Tanks built under this specification must be cylindrical, with heads dished convex outward, and must have at least one expansion dome with manhole, and such other external projections as are prescribed herein.

AAR–1. *Lagging.* (a) Not a specification requirement. If applied, the tank shell and dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature, per hour.

AAR–1. (b) Before lagging is applied the tank surfaces to be lagged and the inside surface of the metal jacket shall be painted.

AAR–1. (c) The barrel, ends and dome of tank, except seatings of tanks on bolster and pads of fixtures, shall be lagged with insulating material.

AAR–1. (d) The lagging throughout shall be covered with a metal jacket not less than ⅛ inch in thickness.

AAR–1. (e) Openings through lagging shall be flashed around projections to prevent admission of water. Top of dome shall be so constructed that liquids cannot enter between dome wall and outer shell.

ICC–2. *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 300 pounds per square inch.

AAR–2. *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula but in no case shall the wall thickness be less than that specified in paragraph ICC–4.

$$t=\frac{Pd}{2SE},$$

where

t = thickness in inches of thinnest plate.
P = specified min. bursting pressure pounds per square inch.
d = inside diameter in inches.
S = minimum ultimate tensile strength in pounds per square inch in zone adjacent to welds as given below.
E = efficiency of longitudinal welded joint = 90 percent.

Alloy 996A = 9,500 p. s. i.
Alloy 990A = 11,000 p. s. i.
Alloy M1A = 14,000 p. s. i.
Alloy GS11A = 24,000 p. s. i.

ICC–3. *Material.* (a) All plates for tank and expansion dome shall be of an aluminum alloy suitable for fusion welding and not subject to rapid deterioration by the lading.

ICC–3. (b) All rivets must be of aluminum alloy of suitable composition. They must be handled and driven in a manner that will insure the requisite strength.

AAR–3. *Material.* (a) All plates for the tank and expansion dome must conform to Specification A. S. T. M. No. B–178, latest issue (Aluminum and Aluminum Alloy Sheet and Plate for Use in Pressure Vessels).

AAR–3 (b) Aluminum alloy castings must conform to Specification A. S. T. M. No. B–26, latest issue (Aluminum-Base Alloy Sand Castings) or B–108, latest issue (Aluminum-Base Alloy Permanent Mold Castings).

AAR–3. (c) Aluminum alloy forgings must be of suitable composition.

ICC–4. *Thickness and width of plates.* (a) The minimum thickness of plates must be as follows:

	Inch
Bottom sheet	⅝
Shell sheet	½
Expansion dome sheet	½
Tank head (dished)	⅝
Tank head (ellipsoidal)	½
Expansion dome head (dished or ellipsoidal)	½

ICC–4. (b) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

AAR–4. (a) For extreme diameter A. A. R. clearance requirements govern.

AAR–4. (b) For tanks built of one piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

AAR–4. (c) Car must have underframe.

ICC–5. *Tank heads.* (a) Tank heads must be of approved contour.

AAR–5. *Tank heads.* (a–1) Tank heads may be dished or ellipsoidal for pressure on concave side.

AAR–5. (a–2) Dished heads must have main inside radius not exceeding ten feet. The inside knuckle radius must be not less than five inches.

AAR–5. (a–3) Ellipsoidal tank head shapes shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half of this.

AAR–5. (b–1) The thickness of tank head must be determined by the following formulas but shall in no case be less than that specified in paragraph ICC–4 (a). The following formula shall be used in computing thickness of dished heads:

$$t=\frac{5PL}{6SE},$$

where

t = thickness of plate, inches.
P = bursting pressure, pounds per square inch.
L = main inside radius to which head is dished measured on concave side of head, inches.
S = minimum ultimate tensile strength in pounds per square inch in zone adjacent to welds. (See par. AAR–2 (a).)
E = efficiency of welded joint to shell = 90 percent.

AAR–5. (b–2) The thickness of an ellipsoidal head shall be determined by the following formula:

$$t=\frac{Pd}{2SE},$$

where

t = thickness of plate, inches.
P = specified minimum bursting pressure, pounds per square inch.
d = inside diameter, inches.
S = minimum ultimate tensile strength in pounds per square inch in zone adjacent to welds. (See par. AAR–2 (a).)
E = efficiency of welded joint to shell = 90 percent.

ICC–6. *Welding.* (a) All joints must be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results.

ICC–6 (b) Manhole ring, safety valve flange, and bottom outlet nozzle flange or other attachments may be riveted or fusion welded. Riveted joints must be made metal to metal without interposition of other material. Rivets must be calked inside. For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. Use of rivets of less than ⅝" nominal diameter prohibited. Fusion welding for securing these attachments in place must be of double welded butt joint type or double full-fillet lap joint type.

ICC–6. *Calking.* (c) All attachments riveted to the tank must have the rivets and the joints formed by attachments calked on the inside of tank.

AAR–6. *Welding.* (a) Fusion welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion welding in accordance with the following requirements:

AAR–6. *Definitions*—(b–1) *Fusion welding.* A process of welding metals in the molten, or molten and vaporous state without the application of mechanical pressure or blows.

AAR–6. (b–2) *Double-welded butt joint.* A joint formed by the fusion of two abutting edges with a filler metal added from both sides of the joint and with reinforcement on both sides. (For permission to remove reinforcements see par. AAR–6 (m–1).)

NOTE: A joint with filler metal added from one side only is considered equivalent to a double-welded butt joint when and if means are provided for accomplishing complete penetration and reinforcement on both sides of the joint.

AAR–6 (b–3) *Full-fillet joint.* A fusion weld of approximately triangular cross section the throat of which lies in a plane disposed approximately 45 degrees with respect to the surface of the parts joined, and built up to the full thickness of the plate or nozzle flange that is being joined to a parallel plate, having the throat not less than 0.7 the thickness of the edge of the plate being welded.

AAR–6. (b–4) *Throat.* The minimum thickness of a weld along a straight line passing through the bottom of the cross sectional space provided to contain a fusion weld.

AAR–6. (b–5) *Single full-fillet lap joint.* A single full-fillet-lap joint is one in which the overlapped edges of two plates are full-fillet welded along one edge only.

AAR–6. (b–6) *Double full-fillet lap joint.* A double full-fillet lap joint is one in which the overlapped edges of the plates to be

joined are full-fillet welded at the edge of each plate.

NOTE: When attachments, referred to in paragraph ICC-6 (b) have flanges thicker than the plates to which they are joined, and are secured in place by fillet welds, such welds shall be of the double full-fillet-lap-joint type in which the throat is not less than 0.7 the thickness of the plate to which the attachment is joined.

AAR-6. (b-7) *Plug weld.* A plug weld is one used to join two plates by welding through a hole in one of them to secure a bond and subsequently filling the hole with weld metal. Plug welds to be used only in conjunction with fillet welds.

AAR-6. (c) *Joint efficiency, maximum.* The efficiencies for computing the value of the various types of fusion-welded joints in tanks constructed in conformity with requirements of this specification shall not exceed the following:

Types of joints	Efficiency of Joint (percent)
Double-welded butt joint	90.0
Full-fillet joint:	
Single full-fillet lap joint without plug welds. (See fig. 21)	55.0
Single full-fillet lap joint with plug welds. (See fig. 20)	65.0
Double full-fillet lap joint	65.0

NOTE: Strength of fillet welds shall be computed on the throat dimension of the triangular section, using the strength in shear and in conjunction with the stresses given below, multiplied by the joint efficiency given above.

For end welds, the maximum shear stresses shall be 80.0 percent of the minimum ultimate tensile strength given in paragraph AAR-2 (a).

For side welds, the maximum shear stresses shall be 60.0 percent of the minimum ultimate tensile strength given in paragraph AAR-2 (a).

Plug-weld. The maximum load on each plug weld shall be computed for either shear or tension by the following formula:

$$L = 0.63\ (d - \tfrac{1}{4})^2 \times s,$$

where

L = total maximum load in shear or tension on each plug weld in pounds.
d = diameter of the bottom of the hole in which the plug is made in inches.
s = maximum stress in shear or tension, as the case may be, in pounds per square inch.
s for shear = 80 percent of minimum ultimate tensile strength. (See par. AAR-2 (a).)
s for tension = minimum ultimate tensile strength. (See par. AAR-2 (a).)

Welding must meet the following test requirements:

AAR-6. *Test plates.* (d-1) A test plate of the dimensions shown in figure 10 from aluminum of the same specifications and thickness as the shell plates prepared for welding may be attached to the shell plate being welded, as in figure 9, on one end of one longitudinal joint of each tank so that the edges to be welded in the test plate are a continuation of and duplication of the corresponding edges of the longitudinal joint. In this case the weld metal shall be deposited in the test plates continuously with the weld metal deposited in the longitudinal joint. The plates for test samples may be taken from any part of one or more plates of the same lot of material that is used in the fabrication of welded tanks and without reference to the direction of the mill rolling. As an alternate method, a detach-test plate may be welded as provided for in AAR-6 (d-2). When more than one welding operator is employed on a tank, the required test plates for the individual tanks shall be made by welding operator designated by the inspector.

AAR-6. (d-2) When a test plate is welded for the longitudinal joints, none need be furnished for circumferential joints in the same tank, providing the welding process, procedure, and technique are the same.

AAR-6. (d-3) When there are several tanks being welded in succession, or at any one time, the plate thicknesses of which fall within a range of ¼ inch, each 200 feet of longitudinal and circumferential seams may be considered as the equivalent of one tank and only the test plates required by paragraphs AAR-6 (d-1) and AAR-6 (d-2) need be made, provided they are welded in the same way as the joints in question. When the manufacturer is in the regular and continuous production of ICC-103-AL-W or ICC-103-A-AL-W tanks, only one test plate need be made for one tank out of twenty (20) of any of these classes, provided a minimum of one (1) test plate per week for any of these classes is made.

The test plates shall be so supported that warping due to welding shall not throw the finished test plate out of line by an angle of over five degrees.

AAR-6. *Test specimens.* (e) The coupons for tension and bend test shall be removed as shown in figure 10 and be of the dimensions shown in figures 10 and 11.

AAR-6. *Tension tests.* (f-1) Two types of tension-test specimens are required, one of the joint and the other of the weld metal. The tension specimen of the joint shall be transverse to the welded joint, and shall be the full thickness of the welded plate after the outer and inner surfaces of the weld have been machined to a plane surface flush with the plate.

AAR-6. (f-2) The tensile strength of the joint specimen in figure 10 shall not be less than the minimum ultimate tensile strength in zone adjacent to welds. (See par. AAR-2 (a).)

AAR-6. (f-3) The tension-test specimen of the weld metal shall be taken entirely from the deposited weld metal and shall meet the following requirements:

Tensile strength = at least that of the minimum ultimate tensile strength in zone adjacent to welds. (See par. AAR-2 (a).)

Elongation, minimum in 2", or 4D (D = diameter) for each aluminum alloy must be as follows:

	Percent
Alloy 996A	25
Alloy 990A	28
Alloy M1A	23
Alloy GS11A	5

For plate thicknesses less than ⅝ inch, the all-weld-metal tension test may be omitted.

AAR-6. *Bend tests.* (g-1) The bend-test specimen shall be transverse to the welded joint of the full thickness of the plate and shall be of rectangular cross section with the width 1½ times the thickness of the specimen. The inside and outside surfaces of the weld shall be machined to a plane surface flush with the plate. The edges of this surface shall be rounded to a radius not over 10 percent of the thickness of the plate. The specimen shall be bent cold under free bending conditions until the least elongation measured within or across approximately the entire weld on the outside fibers of the bend-test specimen is not less than the percentages specified in paragraph AAR-6 (f-3).

AAR-6. g-2) When a crack is observed in the convex surface of the specimen between the edges the specimen shall be considered to have failed and the test shall be stopped. Cracks at the corners of the specimen shall not be considered as a failure. The appearance of small defects in the convex surface shall not be considered as a failure if the greatest dimension does not exceed 1/16 inch.

AAR-6. *Specific gravity of weld metal.* (h) No specific gravity test required.

AAR-6. *Retests.* (i-1) Should any of the tests fail to meet the requirements by more than 10 percent, no retests shall be allowed. (See par. AAR-2 (a).)

AAR-6. (i-2) Should any of the tests fail to meet the requirements by 10 percent or less, retests shall be allowed. A second test plate shall be welded by the same operator who welded the plate which failed to meet the test requirements. The retest shall be made on specimens cut from the second plate.

AAR-6. (i-3) The retests shall comply with the requirements. For either of the tension retests, two specimens shall be cut from the second test plate, and both of these shall meet the requirements.

AAR-6. (i-4) When there is more than one specimen of the same type and when one or more of the group specimens fail to meet the requirements, the retest shall be made on an entire group of specimens which shall meet the requirements.

AAR-6. (i-5) If the percentage of elongation of any tension test specimen is less than that specified and any part of the fracture is more than ¾ inch from the center of the gauge length of the two-inch specimen, or is outside of the middle third of the gauge length of the full-size specimen as indicated by the scribe scratches marked on the specimen before testing, a retest shall be allowed.

AAR-6. *Nondestructive tests.* (j-1) All longitudinal and circumferential welded joints of the tank shell shall be examined throughout their entire length by the X-ray method of radiography. When a nozzle, expansion dome or fitting is attached to a tank by a flange or saddle inserted in and butt welded to the shell at the edge of the flange as shown in figure 22, the weld so made shall be radiographed. Radiographic examination of welds attaching other designs of nozzles, expansion domes or fittings to the tank shell may be omitted.

AAR-6. (j-2) Where excess metal is removed welded joints shall be prepared as follows: The weld reinforcements on both the inside and outside shall be ground, chipped and ground, or suitably machined to remove the irregularities of the weld surface so that it merges smoothly into the plate surface. The finished surface of the reinforcement may have a crown of uniform amount not to exceed approximately 1/16 inch.

AAR-6. (j-3) The films obtained by the use of X-rays shall be known as "exographs" or "radiographs".

AAR-6. (j-4) The weld shall be radiographed with a technique which will determine quantitatively the size of defects with thicknesses equal to and greater than two percent of the thickness of the base metal. To determine whether the radiographic technique employed is detecting defects of a thickness equal to and greater than two percent of the thickness of the base metal, suitable thickness gauges or penetrameters shall be placed on the side of the plate nearest the source of radiation and used in the following manner:

AAR-6. (j-4) (1) To determine whether the radiographic technique employed is detecting defects of a thickness equal to and greater than two percent of the thickness of the base material, thickness gauges or penetrameters of the type shown in figure 12 shall be placed on the side of the plate nearest the source of radiation and used as directed.

AAR-6. (j-4) (2) The material of the penetrameter shall be substantially the same as that of the plate under examination.

AAR-6. (j-4) (3) The thickness of the penetrameter shall not be more than two percent of the thickness of the plate.

AAR–6. (j–4) (4) There shall be three holes in each penetrameter of diameters equal respectively to two, three, and four times the penetrameter thickness, but in no case less than 1/16 inch. The smallest hole must be distinguishable on the radiograph.

AAR–6. (j–4) (5) Each penetrameter shall carry an identifying number representing, to two significant figures, the minimum thickness of plate for which it may be used.

AAR–6. (j–4) (6) The images of these identifying numbers shall appear clearly on the radiograph.

AAR–6. (j–4) (7) Each penetrameter shall be 1½ inches long and ½ inch wide. (See fig. 12.)

AAR–6. (j–5) Two penetrameters shall be used for each exposure, one at each end of the exposed length, parallel and adjacent to the weld seam with the small holes at the outer ends.

AAR–6. (j–6) The film during exposure shall be as close to the surface of the weld as is practicable. The distance of the film from the surface of the weld on the side opposite the source of radiation shall, if possible, be not greater than one inch. With the film not more than one inch from the weld surface the minimum distance between the source of radiation and the back of the weld shall be not less than 14 inches.

AAR–6. (j–7) There shall also be a plain indication on each film showing the job number, the shell, or shell section, and seam, as well as the manufacturer's identification, symbol or name.

AAR–6. (j–8) If it is necessary to expose the film at a distance greater than one inch from the weld, the following ratio of:

$$\frac{\text{Distance from source of radiation to weld surface toward radiation}}{\text{Distance from weld surface toward radiation to film}}$$

shall be at least 7 to 1.

AAR–6. (j–9) All radiographs shall be free from excessive mechanical processing defects which would interfere with proper interpretation of the radiograph.

AAR–6. (j–10) Identification markers, the images of which will appear on the film, shall be placed adjacent to the weld and their location accurately and permanently stamped near the weld on the outside surface of the shell, or shell section, so that a defect appearing on the radiograph may be accurately located in the actual weld.

AAR–6. (j–11) The radiographs shall be submitted to the inspector. If the inspector requests, the following data shall be submitted with the radiographs: (1) The thickness of the base metal, (2) the distance of the film from the surface of the weld, (3) the distance of the film from the source of radiation.

AAR–6. (j–12) The acceptability of welds examined by radiography shall be judged by comparing the radiographs with a standard set of radiographs for aluminum tanks, which may be obtained by purchase from Secretary, Mechanical Division, Association of American Railroads. In general, the standards of judgment shall be:

(1) Welds in which the radiographs show elongated inclusions or cavities shall be unacceptable if the length of any such imperfection is greater than $\frac{1}{3}T$, where T is the thickness of the weld. If the lengths of such imperfections are less than $\frac{1}{3}T$ and are separated from each other by at least $6L$ of acceptable weld metal, where L is the length of the longest imperfection, the weld shall be judged acceptable if the sum of the lengths of such imperfections is not more than T in a weld length of $12T$.

(2) Welds in which the radiographs show any type of crack or zones of incomplete fusion shall be unacceptable.

(3) Welds in which the radiographs show porosity shall be judged as acceptable or unacceptable by comparison with the standard set of radiographs.

AAR–6. (j–13) A complete set of radiographs for each tank shall be retained for not less than 20 years by the tank builder or by the car owner if he so requests.

AAR–6. *Qualification of welders.* (k–1) The manufacturer shall be responsible for the quality of the welding done by his organization and shall conduct tests of welding operators to determine their ability to produce welds of the required quality.

AAR–6. (k–2) The manufacturer shall satisfy the inspector that all the welding operators employed on a car tank have previously made test plates which comply with the requirements of this specification. Such test plates shall have been made within a period of six months, except that when the welding operator is regularly employed on production work embracing the same process and type of welding the tests may be effective for one year.

AAR–6. (k–3) It is the duty of the inspector to satisfy himself that only welding operators who are proved competent by these tests are used to weld any car tank and that all welding complies with the requirements of this specification.

AAR–6. (k–4) The inspector has the right at any time to call for and witness the making of welding operator's qualification test plates described in this paragraph by any welding operator, employed in connection with the inspector's contract and to observe the physical tests of the test plates. For such qualification tests the thickness of the test plate shall be approximately the thickness of the plate or parts on which the welding operator is to work.

AAR–6. (k–5) The tests conducted by one manufacturer shall not qualify a welding operator to do work for any other manufacturer.

AAR–6. *Preparation for welding.* (l–1) The plates may be cut to size and shape by machining, shearing or saw cutting. Oxygen Arc Method of cutting is allowed providing burned surface is cut back to clean up all evidence of burned edge. The plates or sheets to be joined shall be accurately cut to size and formed. In all cases the forming shall be done by pressure and not by blows, including the edges of the plates forming longitudinal joints of tanks.

AAR–6. (l–2) Particular care should be taken in the layout of joints in which fillet welds are to be used so as to make possible the fusion of the weld metal at the bottom of the fillet. Great care must also be exercised in the deposition of the weld metal so as to secure satisfactory penetration.

AAR–6. (l–3) If the thickness of the flange of a head to be attached to a tank shell by a butt joint exceeds the shell thickness by more than 25 percent (maximum ¼ inch), the flange thickness shall be reduced at the abutting edges either on the inside or the outside, as shown in figure 13 (b), or on both sides, as shown in figure 13 (a). Reduction of abutting edges as illustrated in figure 13 (c) is not permissible.

AAR–6 (l–4) The edges of the plates at the joints shall not have an offset from each other at any point in excess of 25 percent of the thickness of the plate (maximum ⅛ inch for longitudinal seams) and (maximum ¼ inch for girth joints).

AAR–6. (l–5) In all cases where plates of unequal thicknesses are abutted, and have offsets exceeding 25 percent of the plate thickness or ⅛" whichever is lesser, the edge of the thicker plate shall be reduced in some manner so that it is approximately the same thickness as the other plate. In longitudinal tank joints the middle lines of the plate thickness shall be in alignment, within the fabricating tolerances specfied in paragraph AAR–6 (l–4).

AAR–6. (l–6) Bars, jacks, clamps, or other appropriate tools may be used to hold the edges to be welded in line. Tack welds may also be used to hold the edges in line, provided these tack welds are removed so that they do not become a part of the joint. The edges of butt joints shall be so held that they will not overlap during welding. Where fillet welds are used, the lapped plates shall fit closely and be kept together during welding.

AAR–6. (l–7) The surfaces of sheets or plates to be welded shall be cleaned thoroughly. When it is necessary to deposit metal over a previously welded surface, any foreign matter thereon shall be removed by a roughing tool, a chisel, an air chipping hammer, or other suitable means to prevent inclusion of impurities in the weld metal.

AAR–6. (l–8) The dimensions and shape of the edges to be joined shall be such as to allow thorough fusion and complete penetration.

AAR–6. (l–9) For double-welded butt joints the reverse sides shall be chipped or ground out so as to secure a clean surface of the originally deposited weld prior to the application of the first bead of welding on the second side. Such chipping or grinding out shall be done in a manner that will insure proper fusion of the weld metal. These requirements are not intended to apply to any process of welding by which proper fusion and penetration are otherwise obtained and no impurities remain at the base of the weld.

AAR–6. (l–10) If the welding is stopped for any reason, extra care shall be taken in restarting to get full penetration to the bottom of the joint and thorough fusion between the weld metal and the plates, and to the weld metal previously deposited.

AAR–6. *Longitudinal joints.* (m–1) Longitudinal joints shall be of the double-welded butt type and shall be reinforced at the center of the weld on each side of the plate by at least 1/16 inch up to and including ⅝-inch plate, and up to ⅛ inch for heavier plates. The reinforcement may be removed but if not removed shall be built up uniformly from the surface of the plate to a maximum at the center of the weld. Particular attention is called, however, to the importance of the provision that there shall be no valley or groove along the edge of or in the center of the weld, but that the deposited metal must be fused smoothly and uniformly into the plate surface. (If the reinforcement is built up so as to form a ridge with a valley or depression at the edge of the weld next to the plate, the result is a notch which causes concentration of stress and reduces the strength of the joint.) The finish of the welded joint shall be reasonably smooth and free from irregularities, grooves, or depressions. Where a welded butt joint is made the equivalent of a double-welded butt joint (see note in paragraph AAR–6 (b–2)) by using a backing-up strip and adding filler metal from one side only, the reinforcement shall not be less than 1/16 inch.

AAR–6. (m–2) Where tanks are made up of two or more courses with welded longitudinal joints, the joints of adjacent courses shall be not less than 60 degrees apart.

AAR–6. *Circumferential joints.* (n) Circumferential joints shall be of double-welded butt type. The details of all of these joints shall conform to the requirements of longitudinal joints given in AAR–6 (m–1).

AAR–6. *Inspection.* (o–1) Purchaser of tanks must provide for inspection by a competent inspector. The manufacturer shall submit the tank for inspection at such stages as may be designated by the inspector.

AAR–6. (o–2) Each tank must also be inspected at the time of the hydrostatic-pressure test by the inspector.

AAR–6. (o–3) The manufacturer shall certify that the welding on the tank has been done only by welding operators who have passed the test requirements and that the same material and technique used in making the tests were employed in fabricating the tank.

AAR–6. *Distortion.* (p) The shell of the completed tank shall be circular within a limit of plus or minus one percent of the inside diameter of the tank.

AAR–6. *Repairs during original welding.* (q–1) Pinholes, cracks, or other defects in welded joints shall be repaired only by chipping or machining out defect and rewelding.

AAR–6. (q–2) After repairs have been made the tank shall again be tested in the regular way, and if it passes the test the inspector shall accept it. If it does not pass the test the inspector can order supplementary repairs, or, if in his judgment the tank is not suitable for service, he may permanently reject it.

ICC–7. *Stress relieving.* Not a specification requirement.

ICC–8. *Tank mounting.* (a) The manner in which tank is supported on and securely attached to the car structure must be approved.

AAR–8. *Anchorage.* (a) See § 78.263 (m) to (p). The requirements of this section must be met by providing aluminum anchors. The total shear value of anchor must not be less than 1,320,000 pounds for cars with rail load limit of 169,000 pounds (single piece anchor). When multiple-piece anchorage is used, the minimum requirements prescribed for a single-piece anchorage shall be increased by 20 percent. When the rail load limit of a tank car is more than 169,000 pounds but does not exceed 210,000 pounds, all minimum requirements for a single-piece anchorage specified herein shall be increased by 25 percent. When the rail load limit of a tank car is over 210,000 pounds, all minimum requirements for single-piece anchorage specified herein shall be increased by 50 percent.

AAR–8. (b) Designs of anchorage employing other means of securement to tank than rivets, as described in § 78.263 may be used if approved.

ICC–9. *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projection inside of dome, of at least two percent of the total capacity of the tank and dome combined, except that when safety valve or safety vent is applied to side of dome, the effective capacity of dome must be measured from top of safety valve or safety vent opening in the side of dome to inside top of shell of tank.

ICC–9. (b) The opening in manhole ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter, and when the inside diameter of the dome exceeds 29 inches, the opening in the tank shell may be cut out to a diameter sufficiently greater than that of the dome to permit welding of tank shell to the base of the dome or to a tank shell reinforcing plate. Shell of tank about dome must be adequately reinforced.

ICC–9. (c) The dome head must be of approved contour.

AAR–9. (a) The dome shell thickness shall be calculated by the formula, paragraph AAR–2 (a).

AAR–9. (b) The dome head, if dished, must be dished to a radius not exceeding 96 inches. Thickness of the dished dome head shall be calculated by the formula, paragraph AAR–5 (b–1).

AAR–9. (c) Dome head may be an ellipsoid of revolution in which the major axis shall be equal to the diameter of the dome shell and the minor axis shall be one-half of this. The thickness in this case shall be determined by using formula of the main head. (See par. AAR–5 (b–2).)

AAR–9. (d) Tank shell shall be reinforced by the addition of a plate equal to or greater than shell in thickness and the cross sectional area shall exceed metal removed for dome opening, or tank shell shall be reinforced by a seamless saddle plate equal to or greater than shell in thickness and butt welded to tank shell. The reinforcing saddle plate shall be provided with a flued opening having a vertical flange of the diameter of the dome for butt welding shell of dome to the flange. The reinforcing saddle plate shall extend about the dome a distance measured along shell of tank at least equal to the extension at top of tank. Other approved designs may be used. Reinforcement should be computed as shown on figure 24A or figure 24B.

ICC–10. *Closure for manholes.* (a) The manhole cover must be of approved type and designed to make it practically impossible to remove the cover while the interior of the tank is subjected to pressure.

ICC–10. (b) Manhole covers and rings must be of aluminum alloys or other approved materials, cast or wrought.

ICC–10. (c) All covers not hinged to tank must be attached to outside of the dome head, by at least ⅜ inch chain or its equivalent.

ICC–10. (d) All joints between manhole covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

AAR–10. (a) Bolted type, bolted and hinged type or other approved type manhole cover must be used. See figures 5 and 6.

ICC–11. *Gaging, bottom outlet valve operating, venting, loading, and discharging, and air inlet devices extending through domes of tanks.* (a) Not specification requirements. When installed, these devices, including their valves, must be protected from accidental injury by being set into a securely covered recess, or by means of a cast, pressed, or forged housing of suitable material with cover securely attached. Housing, if welded to dome of tank, must be made of cast, forged or pressed metal and be of good weldable quality in conjunction with metal of dome. Openings in wall of housing must be equipped with screw plugs or other closures. Drain holes permitted. Discharging siphon pipe must be securely anchored.

AAR–11. (a) These devices must be of approved design.

ICC–12. *Venting, loading and discharging, and air inlet devices.* (a) These devices, when installed, must be closed by efficient valves or fittings made of approved materials not subject to rapid deterioration by the lading. Provision must be made for closing the openings of the valves or fittings.

AAR–12. (a) These devices must be of approved design.

ICC–13. *Bottom discharge outlets.* (a) The bottom discharge outlet, when installed, must be made of approved metals not subject to rapid deterioration by the lading, be of approved construction, and be provided with a valve at its upper end and a liquid-tight closure at its lower end.

ICC–13. (b) The valve operating mechanism and outlet nozzle construction must be such as to insure against unseating of valve due to stresses or shocks incident to transportation.

ICC–13. (c) Tanks used for the transportation of poisonous solids, when designed for bottom unloading, must have the openings securely closed against leakage.

AAR–13. (a) Bottom discharge outlet nozzle may be cast, pressed, forged, or built up of plates, pipe or tubing welded together. The nozzle must be of good weldable quality in conjunction with metal of tank.

AAR–13. (b) To provide for the attachment of unloading connections, the outlet valve nozzle, or some affixed attachment thereto, must be equipped with a flange or with external U. S. F. threads, four threads per inch.

AAR–13. (c) For outlet nozzles that project six inches or more from shell of tank a "V" groove must be cut (not cast) in the upper part of outlet valve nozzle at a point immediately below the lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. In the case of steam jacketed outlet nozzles this groove must be below the steam chamber but above the bottom of center sill construction. Where outlet nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

AAR–13. (d) The flange on the outlet nozzle must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove.

AAR–13. (e) The valve must have no wings or stem projecting below the "V" groove in the outlet nozzle, unless they are scored or designed to break or bend without unseating valve. The valve and seat must be readily accessible or removable for repairs, including grinding.

AAR–13. (f) The valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the interior of the tank, but in the event the rod is carried through the dome, leakage must be prevented by packing in stuffing box and cap nut.

AAR–13. (g) In no case must extreme projection of bottom discharge outlet equipment extend to within twelve inches above top of rail. All bottom discharge outlet reducers and closures and their attachments must be secured to car by at least ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom discharge outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug or cap.

ICC–14. *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved materials mounted on expansion dome. Total valve discharge capacity must be sufficient to prevent building up of pressure in the tank in excess of 45 pounds per square inch.

ICC–14. (b) One safety valve must be provided for each tank of 6,650 gallons capacity or less, and two safety valves for each tank of over 6,650 gallons capacity.

ICC–14. (c) Each safety valve must be set to open at a pressure of 25 pounds per square inch. (For tolerance see paragraph ICC–18).

ICC–14. (d) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have one safety vent made of approved material at least two inches inside diameter closed with a frangible disc of suitable material, of a thickness that will hold a pressure of 45 pounds per square inch for a period of at least one hour, but will rupture within eight hours. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. An additional sealed vent of approved design, to prevent use of unloading pressures in excess of 45 pounds per square inch, may be applied. All tanks equipped with vents must be stencilled "Not for Flammable Liquids."

AAR–14. (a) Safety valve must be of approved design. See paragraph AAR–18. For safety vent, closure of bolted type preferable, see figure 3–A. For screw type safety vent closure, see figure 3.

AAR–14. (b) Safety valves or safety vent flanges, if welded to dome, must be of cast, forged, or pressed metal and be of good weldable quality in conjunction with metal of dome.

ICC-4. (b) The heads may be either torispherical or ellipsoidal in form and one may be reversed dished convex to the pressure, if desired. The thickness of the heads shall be not less than that determined by the following formulae:

(1) For torispherical heads concave to pressure

$$t=\frac{5PL}{6SE}$$

(2) For ellipsoidal heads concave to pressure and having a ratio of major to minor axis of 2 to 1

$$t=\frac{PR}{SE-0.6P}$$

where

t = minimum thickness in inches of finished head.
P = minimum bursting pressure 1,250 psig.
S = minimum specified ultimate tensile strength of plate material in pounds per square inch.
R = inside radius of vessel.
L = inside radius of dish.
E = 1.0 for heads made from one plate.

The thickness of heads convex to the pressure shall be 1⅔ times the thickness as calculated by the above formulae.

ICC-4. (c) Threads for openings in tank heads must be American Standard Taper, tapped to gauge, clean cut, even and without checks to insure tight joints. If the thickness of the heads is not sufficient to give an adequate length of thread, the thickness must be increased by welding into the head a plate of sufficient thickness and of the same material as the head. The outside diameter of such plate must be at least twice the nominal diameter of the threaded opening.

ICC-5. *Welding.* (a) All joints must be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results.

AAR-5. *Welding.* (a) Fusion welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion welding in accordance with the following requirements:

AAR-5. *Definitions*—(b-1) *Fusion welding.* A process of welding metals in the molten, or molten and vaporous state without the application of mechanical pressure or blows.

AAR-5. (b-2) *Double-welded butt joint.* A joint formed by the fusion of two abutting edges with a filler metal added from both sides of the joint and with reinforcement on both sides. (For permission to remove reinforcement see paragraph AAR-5 (m-1)).

NOTE: A joint with filler metal added from one side only is considered equivalent to a double-welded butt joint when and if means are provided for accomplishing complete penetration and reinforcement on both sides of the joint.

AAR-5. (b-3) *Full-fillet joint.* A fusion weld of approximately triangular cross section the throat of which lies in a plane disposed approximately 45 degrees with respect to the surfaces of the parts joined, and built up to the full thickness of the plate or nozzle flange that is being joined to a parallel plate, having the throat not less than 0.7 the thickness of the edge of the plate being welded.

AAR-5. (b-4) *Throat.* The minimum thickness of a weld along a straight line passing through the bottom of the cross sectional space provided to contain a fusion weld.

AAR-5. (b-5) *Single full-fillet lap joint.* A single full-fillet lap joint is one in which the overlapped edges of two plates are full-fillet-welded along one edge only.

AAR-5. (b-6) *Double full-fillet lap joint.* A double full-fillet lap joint is one in which the overlapped edges of two plates are full-fillet-welded at the edge of each plate.

NOTE: When attachment having flanges thicker than the plates to which they are jointed, are secured in place by fillet welds, such welds shall be of the double full-fillet lap joint type in which the throat is not less than 0.7 the thickness of the plate to which the attachment is joined.

AAR-5. (b-7) *Plug weld.* A plug weld is one used to join two plates by welding through a hole in one of them to secure a bond and subsequently filling the hole with weld metal. Plug welds are to be used only in conjunction with fillet welds.

AAR-5. *Joint efficiency, maximum.* (c) The efficiencies for computing the value of the various types of fusion-welded joints in tanks constructed in conformity with requirements of this specification shall not exceed the following:

Type of joint	Efficiency of joint (percent)
Double-welded butt joint:	
With 100 percent radiographic examination	90.0
With radiograph examination of longitudinal joints only	80.0
Full-fillet joint:	
Single full-fillet lap joint without plug welds (see fig. 21)	55.0
Single full-fillet lap joint with plug welds (see fig. 20)	65.0
Double full-fillet lap joint	65.0

NOTE: Strength of fillet welds shall be computed on the throat dimension of the triangular section, using the strength in shear and in conjunction with the stresses given below, multiplied by the joint efficiency given above.

For end welds, the maximum shear stresses shall be 80 percent of the tensile strength of the plate used.

For side welds, the maximum shear stresses shall be 60 percent of the tensile strength of the plate used.

Plug weld. The maximum load on each plug weld shall be computed for either shear or tension by the following formula:

$$L=0.63\ S\ (d-\tfrac{1}{4})^2$$

where

L = total maximum load in shear or tension on each plug weld, in pounds.
d = diameter of the bottom of the hole in which the plug is made, in inches.
S = maximum stress in shear or tension, as the case may be, in pounds per square inch.

S for shear = 44,000
S for tension = 55,000

Welding must meet the following test requirements:

AAR-5. *Test plates.* (d-1) A test plate of the dimensions shown in figure 10 from steel of the same specification and thickness as the shell plates prepared for welding, may be attached to the shell plate being welded, as in figure 9, on one end of one longitudinal joint of each tank so that the edges to be welded in the test plate are a continuation of and duplication of the corresponding edges of the longitudinal joint. In this case the weld metal shall be deposited in the test plates continuously with the weld metal deposited in the longitudinal joint. The plates for test samples may be taken from any part of one or more plates of the same lot of material that is used in the fabrication of welded tanks and without reference to the direction of the mill rolling. As an alternate method, a detached test plate may be welded as provided for in AAR-5 (d-2). When more than one welding operator is employed on a tank, the required test plates for the individual tanks shall be made by the welding operator designated by the inspector.

AAR-5. (d-2) When a test plate is welded for the longitudinal joints, none need be furnished for circumferential joints in the same tank, providing the welding process, procedure, and technique are the same.

AAR-5. (d-3) When there are several tanks being welded in succession, or at any one time, the plate thicknesses of which fall within a range of ¼", each 200 ft. of longitudinal and circumferential seams may be considered as the equivalent of one tank and only the test plates required by paragraph AAR-5 (d-1) and AAR-5 (d-2) need be made, provided they are welded in the same way as the joints in question. The test plates shall be so supported that warping due to welding shall not throw the finished test plate out of line by an angle of over 5 degrees.

AAR-5. (d-4) Where the welding has warped the test plates they shall be straightened before being stress relieved. The test plates shall be subjected to the same stress-relieving operation as required by AAR-5 (p). At no time shall the test plates be heated to a temperature higher than that used for stress relieving the tank.

AAR-5. *Test specimens.* (e) The coupons for tension and bend tests shall be removed as shown in figure 10 and be of the dimensions shown in figures 10 and 11.

AAR-5. *Tension test.* (f-1) Two types of tension test specimens are required, one of the joint and the other of the weld metal. The tension specimen of the joint shall be transverse to the welded joint, and shall be the whole thickness of the welded plate after the outer and inner surfaces of the weld have been machined to a plain surface flush with the plate.

AAR-5. (f-2) The tensile strength of the joint specimen in figure 10 shall not be less than the minimum of the specified tensile range of the plate used. (The tension test of the joint specimen as specified herein is intended as a test of the welded joint and not of the plate. If the specimen breaks in the plate and the weld shows no sign of weakness, the test may be accepted as meeting the requirements even though the stress at which failure occurs is less than the minimum of the specified range.)

AAR-5. (f-3) The tension test specimen of the weld metal shall be taken entirely from the deposited weld metal and shall meet the following requirements:

Tensile strength = at least that of the minimum of the range of the plate which is welded.

Elongation, minimum = 20 percent in 2 inches.

For plate thicknesses less than ⅝ inch, the all-weld-metal tension test may be omitted.

AAR-5. *Bend tests.* (g-1) The bend-test specimen shall be transverse to the welded joint of the full thickness of the plate and shall be of rectangular cross-section with the width one and one-half times the thickness of the specimen. The inside and outside surfaces of the weld shall be machined to a plain surface flush with the plate. The edges of this surface shall be rounded to a radius not over 10 percent of the thickness of the plate. The specimen shall be bent cold under free bending conditions until the least elongation measured within or across approximately the entire weld on the outside fibers of the bend-test specimen is 30 percent.

AAR-5. (g-2) When a crack is observed in the convex surface of the specimen between the edges, specimens shall be considered to have failed and the test shall be stopped. Cracks at the corner of the specimen shall not be considered as a failure. The appearance of all defects in the convex surface shall not be considered as a failure if the greatest dimension does not exceed 1/16 inch.

AAR-5. *Specific gravity of welded metals.* (h) No specific gravity test required.

AAR–5. *Retests.* (i–1) Should any of the tests fail to meet the requirements by more than 10 percent, no retests shall be allowed.

AAR–5. (i–2) Should any of the tests fail to meet the requirements by 10 percent or less, retests shall be allowed. A second test plate shall be welded by the same operator who welded the plate which failed to meet the test requirements. The retest shall be made on specimens cut from the second plate.

AAR–5. (i–3) The retest shall comply with the requirements. For either of the tension retests, two specimens shall be cut from the second test plate, and both of these shall meet the requirements.

AAR–5. (i–4) When there is more than one specimen of the same type and when one or more of the group specimens fail to meet the requirements by 10 percent or less, the retest shall be made on an entire group of specimens, which shall meet the requirements.

AAR–5. (i–5) If the percentage of elongation of any tension test specimen is less than that specified and any part of the fracture more than ¾ inch from the center of the gauge length of the 2-inch specimen, or is outside of the middle third of the gauge length of the full-size specimen as indicated by the scribe scratches marked on the specimen before testing, a retest shall be allowed.

AAR–5. *Nondestructing tests.* (j–1) All longitudinal welded joints in the vessel shall be examined throughout their entire length by the X-ray or the gamma ray method of radiography. Other welded joints need not be examined by radiographic methods provided an efficiency of 80 percent is used in the design of the vessel. If an efficiency of 90 percent is used in the design of the vessel, the circumferential welded joints of the tanks shall also be radiographed. When a fitting is attached to a tank by a flange or plate inserted in and butt-welded to the head at the edge of the flange, the weld so made shall be radiographed. Radiographic examination of welds attaching other designs of nozzles or fittings to the tank head may be omitted.

AAR–5. (j–2) Where excess metal is removed welded joints shall be prepared as follows: The weld reinforcements on both the inside and outside shall be ground, chipped and ground, or suitably machined to remove the irregularities of the weld surface so that it merges smoothly into the plate surface. The finished surface of the reinforcement may have a crown of uniform amount not to exceed approximately 1/16 inch.

AAR–5. (j–3) The films obtained by the use of X-rays shall be known as "exographs", and those obtained by the use of gamma rays as "gamma graphs". Both types of film shall be generally termed "radiographs".

AAR–5. (j–4) The weld shall be radiographed with a technique which will determine quantitatively the size of defects with thicknesses equal to and greater than 2 percent of the thickness of the base metal. To determine whether the radiographic technique employed is detecting defects of a thickness equal to and greater than 2 percent of the thickness of the base metal, suitable thickness gauges or penetrameters shall be placed on the side of the plate nearest the source of radiation and used in the following manner:

AAR–5. (j–4) (1) To determine whether the radiographic technique employed is detecting defects of a thickness equal to and greater than 2 percent of the thickness of the base material, thickness gauges or penetrameters of the type shown in figure 12 shall be placed on the side of the plate nearest the source of radiation and used as directed.

AAR–5. (j–4) (2) The material of the penetrameter shall be substantially the same as that of the plate under examination.

AAR–5. (j–4) (3) The thickness of the penetrameter shall be not more than 2 percent of the thickness of the plate.

AAR–5. (j–4) (4) There shall be three holes in each penetrameter of diameters equal respectively to two, three, and four times the penetrameter thickness, but in no case less than 1/16 inch. The smallest hole must be distinguishable on the radiograph.

AAR–5. (j–4) (5) Each penetrameter shall carry an identifying number representing, in two significant figures, the minimum thickness of plate for which it may be used.

AAR–5. (j–4) (6) The images of these identifying numbers shall appear clearly on the radiograph.

AAR–5. (j–4) (7) Each penetrameter shall be 1½ inches long and ½ inch wide. (See figure 12.)

AAR–5. (j–5) Two penetrameters shall be used for each exposure, one at each end of the exposed length, parallel and adjacent to the weld seam with the small holes at the outer ends.

AAR–5. (j–6) The film during exposure shall be as close to the surface of the weld as is practicable. The distance of the film from the surface of the weld on the side opposite the source of radiation shall, if possible, be not greater than 1 inch. With the film not more than 1 inch from the weld surface the minimum distance between the source of radiation and the back of the weld shall not be less than 14 inches.

AAR–5. (j–7) There shall also be a plain indication on each film showing the job number, the shell, or shell section, and seam, as well as the manufacturer's identification, symbol, or name.

AAR–5. (j–8) If it is necessary to expose the film at a distance greater than 1 inch from the weld, the following ratio of:

$$\frac{\text{Distance of source from radiation to weld surface toward radiation}}{\text{Distance from weld surface toward radiation to film}}$$

shall be at least 7 to 1. When a grid of the Buckey type is employed to reduce scattered radiation, the above ratio may be reduced to 5. These conditions are imposed so as to limit the allowable distortion and magnification of any defects in the welded seam.

AAR–5. (j–9) All radiographs shall be free from excessive mechanical processing defects which would interfere with proper interpretation of the radiograph.

AAR–5 (j–10) Identification markers, the images of which will appear on the film, shall be placed adjacent to the weld and their location accurately and permanently stamped near the weld on the outside surface of the shell, or shell section, so that a defect appearing the radiograph may be accurately located in the actual weld.

AAR–5. (j–11) The radiographs shall be submitted to the inspector. If the inspector requests, the following data shall be submitted with the radiographs: (1) The thickness of the base metal, (2) the distance of the film from the surface of the weld, (3) the distance of the film from the source of radiation.

AAR–5. (j–12) Acceptability of welds examined by radiography shall be judged by comparing the radiographs with a standard set of radiographs which may be obtained by purchase from Secretary, Mechanical Division, Association of American Railroads. In general, the standard of judgment shall be:

(1) Welds in which the radiographs show elongated slag inclusions or cavities shall be unacceptable if the length of any such imperfection is greater than ⅓ T, where T is the thickness of the weld. If the lengths of such imperfections are less than ⅓ T and are separated from each other by at least 6 L of acceptable weld metal, where L is the length of the longest imperfection, the weld shall be judged acceptable if the sum of the lengths of such imperfections is not more than T in a weld length of 12 T.

(2) Welds in which the radiographs show any type of crack or zones of incomplete fusion shall be unacceptable.

(3) Welds in which the radiographs show porosity shall be judged as acceptable or unacceptable by comparison with the standard set of radiographs.

AAR–5. (j–13) A complete set of radiographs for each tank shall be retained for not less than 20 years by the tank builder or by the car owner if he so requests.

AAR–5. *Qualification of welders.* (k–1) The manufacturer shall be responsible for the quality of the welding done by his organization and shall conduct tests of welding operators to determine their ability to produce welds of the required quality.

AAR–5. (k–2) The manufacturer shall satisfy the inspector that all the welding operators employed on a car tank have previously made test plates which comply with the requirements of this specification. Such test plates shall have been made within a period of six months, except when the welding operator is regularly employed on production work embracing the same process and type of welding the tests may be effective for one year.

AAR–5. (k–3) It is the duty of the inspector to satisfy himself that only welding operators who are proved competent by these test plates are used to weld any car tank and that all welding complies with the requirements of this specification.

AAR–5. (k–4) The inspector has the right at any time to call for and witness the making of welding operator's qualification test plates described in this paragraph by any welding operator employed in connection with the inspector's contract, and to observe the physical tests of the test plates. For such qualification tests the thickness of the test plate shall be approximately the thickness of the plate or parts on which the welding operator is to work.

AAR–5. (k–5) The tests conducted by one manufacturer shall not qualify a welding operator to do work for any other manufacturer.

AAR–5. *Preparation for welding.* (l–1) The plates may be cut to size and shape by machining or shearing, or by flame cutting. If shaped by flame cutting, the edges must be uniform and smooth and must be free of all loose scale and slag accumulations before welding. The discoloration which may remain on the flame-cut surface is not considered to be a detrimental oxidation. The plates or sheets to be joined shall be accurately cut to size and formed. In all cases the forming shall be done by pressure and not by blows, including the edges of the plates forming longitudinal joints of tanks.

AAR–5. (l–2) Particular care should be taken in the layout of joints in which fillet welds are to be used so as to make possible the fusion of the weld metal at the bottom of the fillet. Great care must also be exercised in the deposition of the weld metal so as to secure satisfactory penetration.

AAR–5. (l–3) If the thickness of the flange of a head to be attached to a tank shell by a butt joint exceeds the shell thickness by more than 25 percent (maximum ¼ inch), the flange thickness shall be reduced at the abutting edges either on the inside or the outside, as shown in figure 13 (b), or on both sides, as shown in figure 13 (a). Reduction of abutting edges as illustrated in figure 13 (c) is not permissible. For vessels 36 inches in inside diameter or smaller, the head to shell joints may be a single-welded butt joint with a backing-up strip, or, in cases where the head thickness is at least ⅛ inch greater than the shell thickness, the backing-up strip may be integral with the head flange machined in such a manner as to have the inner edge of the head flange project beyond the end of the shell plate to form a backing-strip as shown in figure 26 (a). The head shall be a snug fit into the shell. If the thickness of the head exceeds the thickness of the

ICC–15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus ¼ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. Split calking prohibited. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

AAR–15. *Heater systems.* (a) See §§ 78.260 to 78.262, inclusive, Tank Car Heater Systems.

AAR–15. (b) Heater system and plug flanges, if welded to tank or dome, must be of cast, forged, or pressed metal and be of good weldable quality in conjunction with metal of tank or dome.

ICC–16. *Plugs for openings.* (a) All plugs must be solid, of cast, rolled or forged metal of approved material with standard pipe thread, and when in contact with lading must be of a length which will screw at least six threads inside the face of fitting or tank. Plugs when inserted from the outside of tank must have the letter "S" at least ⅜ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

ICC–17. *Test of tanks.* (a) Each tank must be tested, before being put into service, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100° F. during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves or safety vents, must be in place while test is made.

ICC–17. (b) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be made as prescribed in paragraph ICC–6 (a).

ICC–17. (c) *Test of interior heater systems.* Before interior heater systems are placed in service, they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

AAR–17. *Hammer tests.* (a) Not a specification requirement.

AAR–17. (b) If tanks are to be lagged, the hydrostatic test of tank must be made before lagging is applied.

ICC–18. *Tests of safety valves.* (a) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 20 pounds pressure (see § 73.31 (1), Note 1, of this chapter). The valve must open at the pressure prescribed in paragraph ICC–14 (c) with a tolerance of plus or minus 3 pounds.

AAR–18. (a) The above referred to note in § 73.31 (1) of this chapter reads in part as follows: "Safety valves now used on tank cars are reported to permit slow leakage of vapor and it appears that material changes in the design and construction of these valves are necessary to make them tight * * * the necessary changes must be made with the least possible delay".

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of ten years or less after the original test. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting, or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

AAR–19. (a) For lagged tanks, if the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs.

ICC–20. *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

ICC–20. (b) ICC–103–AL–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stencilled on the tank, or jacket if lagged, in letters and figures at least two inches high by the party assembling the completed car.

ICC–20. (c) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in paragraph ICC–20 (b).

ICC–20. (d) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in paragraph ICC–20 (c) by the party assembling the completed car. These marks must also be stencilled on the tank, or jacket if lagged, in letters and figures at least two inches high immediately below the stenciled mark specified in paragraph ICC–20 (b) by the party assembling the completed car.

ICC–20. (e) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

ICC–20. (f) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stencilled on the tank, or jacket if lagged.

ICC–20. (g) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stencilled on tank, or jacket if lagged.

ICC–20. (h) Identification mark, illustrated herein, for approved manhole closures must be stencilled on each side of dome, or jacket if lagged, in line with the ladders and in a color contrasting to color of dome.

ICC–20. (i) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only," or such other wording as may be required to indicate the limits of usage of the car, must be stencilled on each side of the tank, or jacket if lagged, in letters at least two inches high, immediately above the stencilled mark specified in paragraph ICC–20 (b).

AAR–20. (a) For all other markings, see figure 1.

ICC–21. *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment therefor from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and and car owner.

AAR–21. *Application for approval.* (a) See § 78.259 (f), *Application for approval.*

AAR–21. *Certificate of construction.* (b) See § 78.259 (g), *Certificate of construction.*

AAR–22. *Car structure.* (a) See § 78.263 *Car structure.*

24. Add § 78.292 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.292, 1950 Rev.) to read as follows:

§ 78.292 *Specification for tank cars having fusion-welded aluminum tanks Class ICC–103–A–AL–W.* This specification covers Class ICC–103–A–AL–W tank cars having fusion welded aluminum tanks to which have been added Association of American Railroads details which are not inconsistent therewith. Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads' Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e)—Procedure.

(a) *General requirements.* Tanks built under this specification must comply with all provisions of Specification ICC–103–AL–W, except as modified in the following paragraphs (paragraph numbers refer to like numbers in § 78.291 Specification ICC–103–AL–W):

ICC–6. (b) Manhole ring, safety vent flange, and bottom washout nozzle flange or other attachments may be riveted or fusion-welded. Riveted joints must be made metal to metal without interposition of other materials. Rivets, if used, must be calked inside. For computing rivet areas, the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16". Use of rivets of less than ⅝" nominal diameter prohibited. Fusion-welding for securing these attachments in place must be of double-welded butt joint type or double full-fillet lap joint type.

ICC–9. *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside of dome, of at least one percent of the total capacity of the tank and dome combined, except that when safety vent is applied to side of dome, the effective capacity of dome must be measured from top of safety vent opening in the side of dome to inside top of shell of tank.

ICC–9. (b) The opening in manhole ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter, and when the inside diameter of the dome exceeds 29 inches, the opening in the tank shell may be cut out to a diameter sufficiently greater than that of the dome to permit welding of tank shell to the base of the dome or to a tank shell reinforcing plate. Shell of tank about dome must be adequately reinforced. When the tank shell is not cut out to permit welding and the opening in the tank does not exceed 30 inches in diameter, dome pocket drain holes must be provided with nipples projecting inside the tank at least one inch.

ICC–9. (c) The dome head must be of approved contour. The dome head must be of aluminum alloys or other approved materials, cast or wrought.

ICC–10. *Closure for manholes.* (a) The manhole cover must be of approved type and designed to provide a secure closure of the manhole.

ICC–10. (b) Requirements of this paragraph optional.

AAR–10. (a) Bolted type, bolted and hinged type, or other approved type manhole cover must be used.

ICC–11. *Gaging, venting, loading and discharging, and air inlet devices extending through domes of tanks.* (a) These devices when installed must be tightly closed as prescribed in paragraph ICC–12. Protective housing not required, except when the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves to provide for the loading, and unloading of the contents. Discharging siphon pipe must be securely anchored.

ICC–12. *Gaging, venting, loading and discharging, and air inlet devices.* (a) These devices when installed must be tightly closed with approved caps, plugs, valves, or other fittings. Provision must be made for closing pipe connections of valves. The venting device must be equipped as prescribed in paragraph ICC–14.

ICC–13. *Bottom discharge outlets.* (a) Bottom outlet for discharge of lading prohibited, but tank may be equipped with a bottom wash-out nozzle of aluminum alloy not subject to rapid deterioration by the lading, which must be of approved construction complying with the following requirements.

ICC–13. (b) The construction and closure of the bottom wash-out nozzle must be such that it is liquid tight and should the nozzle be broken, loss of contents will not occur.

ICC–13. (c) The extreme projection of the bottom wash-out nozzle must be at least 12 inches above the top of rail.

AAR–13. (a) Bottom wash-out nozzle may be cast, pressed, forged, or built up of plates, pipe or tubing welded together. The nozzle must be of good weldable quality in conjunction with metal in tank.

AAR–13. (b) This paragraph does not apply.

AAR–13. (c) For bottom wash-out nozzles that project 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of bottom wash-out nozzle at a point immediately below lowest part of inside closure seat to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ in. Where bottom wash-out nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

AAR–13. (d) The flange on the bottom wash-out nozzle must be of a thickness which will prevent distortion of the inside closure seat or closure casting by any change in contour of the shell, resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the wash-out nozzle will occur at or below the "V" groove.

AAR–13. (e) The closure casting must not project below the "V" groove in the wash-out nozzle. The closure casting and seat must be readily accessible for repairs, including grinding.

AAR–13. (f) This paragraph does not apply.

AAR–13. (g) This paragraph does not apply.

ICC–14. *Safety devices.* (a) The tank must be equipped with a safety valve or safety vent at least 2 inches inside diameter mounted on top of expansion dome.

ICC–14. (b) At least one safety valve or vent must be provided for each tank.

ICC–14. (c) The safety valve, if used, must be set to open at a pressure of 45 pounds per square inch. (For tolerances see paragraph ICC–18).

ICC–14. (d) If tank is equipped with a safety vent it must be closed with a frangible disc of suitable material of a thickness that will hold a pressure of 45 pounds per square inch for a period of at least one hour but will rupture within eight hours. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. An additional sealed vent of approved design, to prevent use of unloading pressures in excess of 45 pounds per square inch, may be applied. Tanks may also be equipped with an approved device that will permit continuous venting.

AAR–14. (a) Safety valve must be of approved design. For safety vent, closure of bolted type preferable, see figure 3A. For screw type safety vent closure, see figure 3.

AAR–14. (b) Safety valve or safety vent flanges, if welded to dome, must be of cast, forged, or pressed metal and be of good weldable quality in conjunction with metal of dome.

ICC–15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted, the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus ¼ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. All rivet heads on the inside and outside of tank and dome must be calked. Split calking prohibited. Heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

ICC–18. *Tests of safety valves.* (a) Valve must be tested before being put into service, by attaching to an air line and applying pressure. The valve must open at the pressure prescribed in paragraph ICC–14 (c), with a tolerance of minus 3 pounds.

AAR–18. (a) This paragraph does not apply.

ICC–19. *Retests of tanks, safety valves and interior heater systems.* (a) Tanks, safety valves and interior heater systems must be retested as prescribed for original tests in paragraphs ICC–17 and ICC–18, except that commodity to be transported may be used for filling the tank and dome when testing tanks which have not been in service more than 12 years. The first retest must be conducted within four years after the original test, and subsequent retests at four-year intervals up to 12 years of service, thereafter at two-year intervals up to 20 years of service, and annually after 20 years of service. Tanks in service over 12 years must be internally inspected and interior heater systems inspected for defects which would make leakage or failure probable during transit and must be tested with water only. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

ICC–20. (b) ICC–103–A–AL–W in letters and figures at least ⅜" high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stencilled on the tank, or jacket if lagged, in letters and figures at least 2" high by the party assembling the completed car.

ICC–20. (h) This paragraph does not apply.

25. Add § 78.293 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.293, 1950 Rev.) to read as follows:

§ 78.293 *Specification for tank cars having metallic arc fusion-welded steel tanks Class ICC–110A–500–W.* This specification covers Class ICC–110A–500–W tank cars having metallic arc fusion-welded tanks to which have been added Association of American Railroads details which are not inconsistent therewith. Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads' Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e)—Procedure.

ICC–1. *Type and general requirements.* (a) Tanks built under this specification must be cylindrical with dished heads, one of which may be dished convex to the pressure. All operating fittings must be located in one of the heads, and no openings of any sort are permitted in the cylindrical shell. Tanks must be securely attached to the car structure in a manner such that they may be removed for filling by the consignor and emptying by the consignee. Each tank must have a capacity of at least 1,600 pounds of water and not more than 2,600 pounds of water.

ICC–1. (b) The tanks must be fabricated by approved methods.

ICC–1. (c) For tanks made in foreign countries, a chemical analysis of material and all tests as specified must be carried out within the limits of the United States under the supervision of a competent and disinterested inspector.

ICC–2. *Material.* (a) All plates for the tank must be made of open-hearth or electric furnace boiler plate steel of flange quality, the carbon content of which does not exceed 0.30 percent. The steel shall otherwise conform to the requirements of either the current A. A. R. Specification M–115, entitled Steel, Carbon and Carbon-Silicon, Boiler and Firebox, for Locomotives, Stationary Boilers, and Other Pressure Vessels, or to the current A. S. T. M. Specification A–212, entitled High Tensile Strength Carbon-Silicon Steel Plates for Boilers and Other Pressure Vessels, Grades A and B, Flange and Firebox, or A. S. T. M. Standard Specification A–201 titled Carbon-Silicon Steel Plates of Intermediate Tensile Ranges for Fusion Welded Boilers and Other Pressure Vessels, Grade A, or A. S. T. M. Standard Specifications A–285 titled Low and Intermediate Tensile Strength Carbon Steel Plates of Flange and Firebox Qualities, Grade C. These plates may also be clad with other metals such as nickel, etc.

ICC–2. (b) All plates must have their heat number and the name or brand of the manufacturer legibly stamped on them at the rolling mill.

ICC–2. (c) Tanks made of clad plates must be stenciled "Tank clad with (naming material)."

AAR–2. *Lining.* (a) Not a specification requirement. If applied, must be approved as to material and method of application.

ICC–3. *Thickness of plates.* (a) The wall thickness of the cylindrical portion of the tank must be not less than 11/32" and, in addition, must be not less than that calculated by the following formula:

$$t = \frac{PR}{SE - 0.6P}$$

where

t = thickness in inches of thinnest plate.
P = calculated bursting pressure in pounds per square inch, 1,250 psig min.
R = inside radius in inches.
S = minimum specified ultimate tensile strength of plate in pounds per square inch.
E = efficiency of longitudinal welded joint (see par. ARR–5. (c).)

ICC–4. *Tank heads.* (a) The tank heads must be hot pressed with a straight flange of at least 1½" and with a radius of dish not greater than the diameter of the tank. The inside knuckle radius must be not less than 6 percent of the inside diameter of the vessel.

shell by more than ¼ inch, the thickness of the integral backing-strip shall not exceed ¼ inch and the additional flange thickness shall be reduced on the outside, as shown in figure 26 (b).

AAR–5. (l–4) The edges of the plates at the joints shall not have an offset from each other at any point in excess of 25 percent of the thickness of the plate (maximum ⅛ inch).

AAR–5. (l–5) In all cases where plates of unequal thicknesses are abutted, and have offsets exceeding 1/16 inch, the edge of the thicker plate shall be reduced in some manner so that it is approximately the same thickness as the other plate except as noted for head to shell joints in paragraph AAR–5. (l–3). In longitudinal tank joints the middle lines of the plate thickness shall be in alignment, within the fabricating tolerances specified in paragraph AAR–5. (l–4).

AAR–5. (l–6) Bars, jacks, clamps, or other appropriate tools may be used to hold the edges to be welded in line. Tack welds may also be used to hold the edges in line, provided the tack welds are removed so that they do not become a part of the joints. The edges of butt joints shall be so held that they will not overlap during welding. Where fillet welds are used, the lapped plates shall fit closely and be kept together during welding.

AAR–5. (l–7) The surfaces of the sheets or plates to be welded shall be cleaned thoroughly of all scale, rust, or oil and grease for a distance of not less than ½ inch from the welding edge. Grease or oil may be removed with gasoline, lye, or the equivalent. A steel wire scratch brush may be used for removing light rust or scale, but for heavy scale, slag, and the like, a grinder, chisel, air hammer, or other suitable tool shall be used to obtain clean and bright metal. When it is necessary to deposit metal over a previously welded surface, any scale or slag therefrom shall be removed by a roughing tool, chisel, air chipping hammer, or other suitable means to prevent inclusion of impurities in the weld metal.

AAR–5. (l–8) The dimensions and shape of the edges to be joined shall be such as to allow thorough fusion and complete penetration.

AAR–5. (l–9) For double welded butt joints the reverse sides shall be chipped, ground, or melted out so as to secure a clean surface of the originally deposited weld prior to application of the first bead of welding on the second side. Such chipping, grinding, or melting out shall be done in a manner that will insure proper fusion of the weld metal. These requirements are not intended to apply to any process of welding by which proper fusion and penetration are otherwise obtained and no impurities remain at the base of the weld.

AAR–5. (l–10) If the welding is stopped for any reason, extra care shall be taken in restarting to get full penetration to the bottom of the joint and thorough fusion between the weld metal and the plates, and to the weld metal previously deposited.

AAR–5. *Longitudinal joints.* (m–1) Longitudinal joints shall be of the double-welded butt type and shall be reinforced at the center of the weld on each side of the plate by at least 1/16 inch up to and including ⅝ inch plate and up to ⅛ inch for heavier plates. The reinforcement may be removed, but if not removed shall be filled up uniformly from the surface of the plate to a maximum at the center of the weld. Particular attention is called, however, to the importance of the provision that there shall be no valley or grooves along the edge of or in the center of the weld, but that the deposited metal must be fused smoothly and uniformly into the plate surface. (If the reinforcement is built up so as to form a ridge with a valley or depression at the edge of the weld next to the plate, the result is a notch which causes concentration of stress and reduces the strength of the joints.) The finish of the welded joint shall be reasonably smooth and free from irregularities, grooves, or depressions. Where a welded butt joint is made the equivalent of a double-welded butt joint (see note in paragraph AAR–5 (d–2)) by using a backing-up strip and adding filler metal from one side only, the reinforcements shall not be less than 1/16 inch.

AAR–5. (m–2) Where tanks are made up of two or more courses with welded longitudinal joints, the joints of adjacent courses shall be not less than 60° apart.

AAR–5. *Circumferential joints.* (n) Circumferential joints shall be of the double-welded butt type. The details of all of these joints shall conform to the requirements of longitudinal joints given in AAR–5 (m–1) except as specified in AAR–5 (l–3).

AAR–5. *Stress relieving.* (o) Each tank must be stress relieved by heating uniformly to at least 1100° F. The tank shall be brought slowly up to the specified temperature and held at that temperature for a period of time proportioned on the basis of at least one hour per inch of maximum thickness, minimum 1 hour, and shall be allowed to cool slowly in a still atmosphere. Welded attachments must be welded in place before tank is stress relieved. Fusion welded anchors, if applied, must be welded in place before tank is stress relieved. The entire tank must be stress relieved by heating the complete tank as a unit.

AAR–5. *Inspection.* (p–1) Purchaser of tanks must provide for inspection by a competent inspector. The manufacturer shall submit the tank for inspection at such stages as may be designated by the inspector.

AAR–5. (p–2) Each tank must also be inspected at the time of hydrostatic pressure and hammer tests by the inspector.

AAR–5, (5–3) The manufacturer shall certify that the welding on the tank has been done only by welding operators who have passed the test requirements and that the same material and technique used in making the test were employed in fabricating the tank.

AAR–5. *Distortion.* (q) The shell of the completed tank shall be circular within a limit of plus or minus one percent of the inside diameter of the tank.

AAR–5. *Repairs during original construction.* (r–1) Pin holes, cracks, or other defects in welded joints shall be repaired only by chipping, machining, or burning out the defect and rewelding. For metallic arc welding preheating or reheating is not required.

AAR–5. (r–2) Tanks shall be stress relieved after any welding repairs have been made.

AAR–5. (r–3) After repairs have been made the tank shall again be tested in the regular way, and, if it passes the test, the inspector shall accept it. If it does not pass the test the inspector can order supplementary repairs, or, if in his judgment the tank is not suitable for service, he may permanently reject it.

ICC–6. *Stress relieving.* (a) All welding of the tank and of attachments welded directly thereto must be stress relieved as a unit.

AAR–6. *Stress relieving.* (a) See paragraph AAR–5 (o).

ICC–7. *Anchorage.* (a) The manner in which tanks are supported on and securely attached to the car structure must be approved.

ICC–7. *Protective rings.* (b) A plate ring flange must be welded to the outside of each head and extending a greater distance beyond the head than any fitting or attachment to the head, including the housing referred to in the following paragraph. This flange must be at least as thick as the shell plates and must slope or curve inward toward the axis such that the diameter at the outboard end is at least 2 inches less than the maximum diameter.

ICC–8. *Protective housing and cover.* (a) All operating fittings shall be located in one head. Valves and other closures of openings in tank heads, except fusible plug vents and drain plugs, must be protected against accidental injury by a detachable cast or pressed steel housing at least 3/16 inch thick, which must not project beyond the protective ring on the end of the tank and must be securely fastened to tank head. This housing must be provided with an opening having an area equal to the total safety valve or vent discharge area.

ICC–8. (b) The upper head of tanks mounted vertically on the car structure must be completely covered by a light metal cover designed to exclude moisture, cinders, and other foreign matter, and to be displaced by pressure of gas discharged through safety valves or vent.

ICC–9. *Venting, and loading and discharging valves.* (a) These valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 500 pounds per square inch without leakage. The valves must be screwed directly into tank heads or attached to tank heads by other approved methods. Provision must be made for closing the pipe connections of the valves.

ICC–9. (b) Tanks must not be equipped with safety valves or vents, if prohibited for the service in which they are used.

ICC–10. *Safety valves and vents.* (a) The tank must be equipped with one or more safety valves or vents of approved type, made of metal not subject to rapid deterioration by the lading and screwed directly into tank heads or attached to tank heads by other approved methods. The total value of vent discharge capacity must be sufficient to prevent building up of pressure in tank in excess of ¾ of the test pressure; when safety vents of the fusible plug type are used, the required discharge capacity must be available in each head.

ICC–10. (b) Tanks mounted vertically on the car structure must have safety valves, or vents of the frangible disc type, which must be located on the upper head.

ICC–10. (c) Safety valves must be set to open and vents of the frangible disc type must function at a pressure of not exceeding 375 pounds per square inch. Vents of the fusible plug type must function at a temperature of not exceeding 175° F. (for tolerance see paragraph ICC–13).

ICC–11. *Fixtures.* (a) Siphon pipes and their couplings on the inside of the tank head and lugs on the outside of the tank head for attaching the valve protection housing may be fusion welded in place, provided they are properly heat-treated at the time the entire tank is heat-treated. All other fixtures and appurtenances, except as provided for in paragraphs ICC–7, ICC–8, ICC–9, ICC–10, and ICC–11 (b) are prohibited.

ICC–11. (b) A threaded drain plug for cleaning purposes made of metal not subject to rapid deterioration by the lading, not to exceed 2 inches nominal pipe size, may be included in the head concave to the pressure. (See par. ICC–4 (c).)

ICC–12. *Tests of tanks.* (a) After heat treatment each tank must be subjected to a hydrostatic test in a water jacket, or by other accurate method, operated so as to obtain reliable data. No tank shall have been subjected previously to internal pressure within 100 pounds of the final test pressure.

ICC–12. (b) The tank must be prepared for testing by completely filling with water, or other liquid having similar viscosity, having a temperature not exceeding 100° F. during the test.

ICC–12. (c) While subject to a hydrostatic pressure of 375 pounds per square inch, the tank shall be given a thorough hammer impact test. This impact test shall consist of striking the metal at 6 inch intervals on both sides of all butt welded joints and for the full length of the joints. The weight of the hammer in pounds shall approximately equal the thickness of the thinnest plate of the joint in tenths of an inch, but not to exceed 10 pounds. The plates shall be struck with a sharp swinging blow. The edges of the hammer shall be rounded so as to prevent defacing the plate.

ICC–12. (d) Following the impact test the tank shall be hydrostatically tested at a final test pressure of 500 pounds per square inch. The tank must hold this pressure for at least 10 minutes without leakage or evidence of distress.

ICC–12. (e) The pressure gauge must permit reading to an accuracy of 1 percent. The expansion gauge must permit reading of the total expansion to an accuracy of 1 percent. The expansion must be recorded in cubic centimeters.

ICC–12. (f) The permanent volumetric expansion must not exceed 10 percent of the total volumetric expansion at final test pressure.

ICC–12. (g) Following the hydrostatic test each tank must be subjected to an internal air pressure test of at least 100 pounds per square inch under conditions favorable to detection of any leakage. No leaks shall appear.

ICC–12. (h) Caulking of welded joints to stop leaks developed during foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in paragraph ICC–5 (a).

ICC–13. *Tests of safety valves and vents.* (a) Each valve must be tested by air or gas before being put into service and also at intervals as prescribed in paragraph ICC–14. The valve must open at a pressure of not exceeding 375 pounds per square inch and be vapor tight at 300 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

ICC–13. (b) For safety vents of the frangible disc type, a sample of the discs used must burst at a pressure of not exceeding 375 pounds per square inch and be vapor tight at 300 pounds per square inch.

ICC–13. (c) For safety vents of the fusible plug type, a sample of the fusible plugs used must function at a temperature of not exceeding 175° F. and be vapor tight at a temperature of 130° F.

ICC–14. *Retests, alterations, and upkeep of tanks, safety valves, and vents.* (a) Each tank must be subjected, at least once every five years, to the hydrostatic test as prescribed in paragraph ICC 12 (b) and the volumetric expansion test prescribed in paragraphs ICC 12 (d) and 12 (e). A tank must be condemned when it leaks or when the permanent expansion exceeds 10 percent of the total expansion. Report giving data showing the results of these tests must be rendered by party making tests to the owner of the tank and to the Bureau of Explosives, and each tank passing the test must be marked with the date (month and year) plainly and permanently stamped into the metal of one head or flange ring. For example, 1–51 for January, 1951. Dates of previous tests must not be obliterated.

ICC–14. (b) Safety valves must be retested, at least once every 2 years, in the manner prescribed in paragraph ICC–13 (a). Safety vents of the frangible disc and fusible plug types must be inspected after each loaded trip of tank as follows: Remove at least one vent for visual inspection and, if it shows signs of deterioration, all the vents on the tank must be removed and inspected and those which do not meet the requirements must be renewed.

ICC–14. (c) All prescribed markings on tanks must be kept legible. Copy of the said markings, in letters and figures of the prescribed size stamped on a brass plate secured to the tank, is authorized. Markings must not be changed except as follows:

(1) By application of additional marks not affecting the test pressure or water capacity; these must not obliterate previously applied marks.

(2) By application of test pressure marks, or alteration of such marks, to indicate a reduced test pressure; authorized only for tanks that have not failed in the 5-year test.

(3) By change of serial numbers or ownership marks, or both; report in sufficient detail so that previous serial number and ownership mark can be determined for each tank, arranged by lot numbers or by consecutive serial numbers, must be filed with the Bureau of Explosives.

ICC–15. *Marking.* (a) Each tank must be plainly and permanently marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be stamped into the metal of one head or flange ring, in letters and figures at least ⅜ inch high, as follows:

ICC–15. (b) ICC–110A500–W.

ICC–15. (c) Serial number (immediately below foregoing).

ICC–15 (d) Inspector's official mark (immediately below serial number).

ICC–15. (e) Name, mark (other than a trade mark) or initials of company or person for whose use the tanks are being made, which must be recorded with the Bureau of Explosives.

ICC–15. (f) Date of tank test (month and year), such as 1–51 for January, 1951, so placed that dates of subsequent tests may easily be added thereto.

ICC–15. (g) Water capacity—0000 pounds.

ICC–15. (h) When a tank and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity, followed by the word "only" or such other wording which may be required to indicate the usage of the tank, must be stencilled on head of the tank containing operating fittings, in letters at least 1 inch high.

AAR–15. (a) For determining water capacity of tank in pounds the weight of a gallon (231 cu. in.) of water at 60° F. in air shall be 8.32828 pounds.

ICC–16. *Inspection and report.* (a) Purchaser of tank must provide for inspection by a competent inspector as follows:

(1) The inspector must carefully inspect all plates from which tanks are to be made and records pertaining thereto, and plates which do not comply with the requirements of this specification must be rejected.

(2) The inspector must secure complete certified records, including chemical analyses and physical tests on samples taken from each heat and steel used in the manufacture of the plate.

(3) The inspector must report capacity in pounds of water and tare weight of each tank and the minimum thickness of tank wall noted.

(4) The inspector must make such inspection as may be necessary to see that all the requirements of this specification are fully complied with, must see that the finished tanks are properly heat treated, and must witness all air and hydrostatic tests.

(5) The inspector must stamp his official mark on each accepted tank immediately below the Serial No. and make certified report (see paragraph ICC–16 (b)), to the builder, to the company or person for whose use the tanks are being made, to the builder of the car structure on which the tanks are to be mounted, if any, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

ICC–16. (b) Inspector's report required herein must be in the following form:

(Place) _____
(Date) _____

STEEL TANKS

It is hereby certified that drawings were submitted for these tanks under A. A. R. Application for Approval No. _____ and approved by the A. A. R. Committee on Tank Cars under date of _____
Built for _____ Company
Location at _____
Built by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.
Marks stamped into the head or chime of the tank are:
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Test date _____
Water capacity (see record of Hydrostatic Tests).
Tare Weights (Yes or No). (See Record of Hydrostatic Tests).
These tanks were made by process of _____
_____

The steel used was identified as indicated by the attached list showing the serial number of each tank, followed by the heat number of the plate, head, and bottom used in the tank.

The steel used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers were stamped into the metal.

All material, such as plates, billets, and seamless tubing, was inspected and each tank was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the tank. The processes of manufacture and heat treatment of tanks were supervised and found to be efficient and satisfactory.

The tank walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, bend and tensile tests of material, and other tests as prescribed in this specification were made in the presence of the inspector and all material and tanks accepted were found to be in compliance with the requirements of this specification. Records thereof are attached hereto.

I hereby certify that all of these tanks proved satisfactory in every way and comply with the requirements of Interstate Commerce Specification No. _____

(Signed) _____
Inspector.

(Place) .....
(Date) .....

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR TANKS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long.
Made by ..... Company.
For ..... Company.

Heat No.	Chemical analysis								
	C	P	S	Si	Mn	Ni	Cr		

The analyses were made by

(Signed) .....

(Place) .....
(Date) .....

RECORD OF TENSILE TESTS OF MATERIAL IN TANKS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long.
Made by ..... Company.
For ..... Company.

Heat No.	Yield point (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in 8 inches)	Reduction of area (percent)	Bend test

(Signed) .....

(Place) .....
(Date) .....

RECORD OF HYDROSTATIC TESTS ON TANKS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long.
Made by ..... Company.
For ..... Company.

Serial Nos. of tanks tested	Actual test pressure (pounds per square inch)	Total expansion (c. c.) [1]	Permanent expansion (c. c.) [1]	Percent ratio of permanent expansion to total expansion	Tare weight pounds [2]	Capacity in pounds of water

(Signed) .....

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the tank by the test pressure then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid coefficient of compressibility of liquid, etc., must also be given.
[2] Do not include protective housing and cover but state whether with or without valves.

ICC–16. (c) Before a tank built under this specification is placed in service, the builder must furnish to the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that the tank and its equipment comply with all the requirements of this specification, including information as to the serial numbers, date of test, and ownership marks on the tanks.

In the event the owner of the tank instead of the builder elects to furnish appurtenances such as valve protection caps, loading and unloading valves, and safety valves or vents of the frangible disc or fusible plug type, the owner must furnish to the Bureau of Explosives and to the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that these appurtenances comply with all the requirements of this specification.

In case of alterations of or additions to tank or equipment therefor from original design and construction or of repairs, there must be furnished to the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in detail of the repairs, alterations, or additions made to each tank covered by a particular application, showing the serial number of each tank involved and stating that heat treatment called for by the particular type of repair authorized has been performed and, that after repairs, alterations, or additions, the tests prescribed in paragraph ICC–12 were made, results of hydrostatic tests reported, and tanks marked as prescribed in paragraph ICC–14.

Reports of retests must be rendered to the Bureau of Explosives and tank owner.

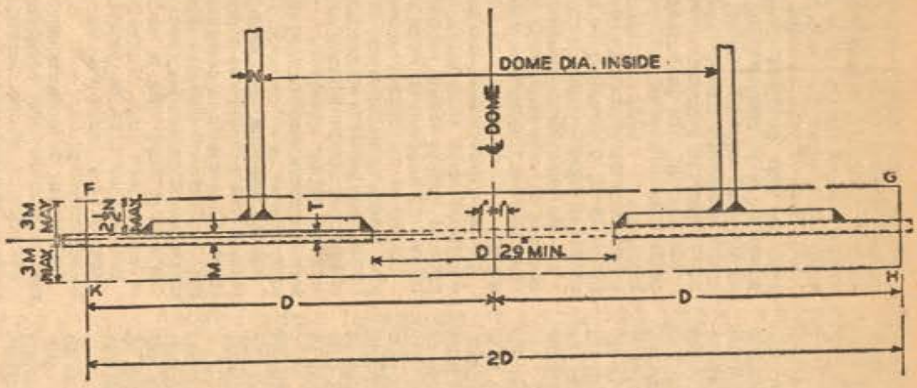
AAR–16. *Applications for approval.* (a) See § 78.259 (f) *Application for approval.*

AAR–16. *Certificate of construction.* (b–1) See paragraph ICC–16 (b) for forms of certificates to be filed covering tanks only.

AAR–16. (b–2) For form of certificate covering car structure, see § 78.259 (g), *Certificate of construction.*

AAR–17. *Car structure.* (a) See § 78.263 *Car structure.*

26. Add Figures 24A, 24B, and 26, to Appendix C, Part 78, Subpart I (15 F. R. 8538, Dec. 2, 1950) (49 CFR Appendix C, Part 78, Subpart I, 1950 Rev.) as follows:

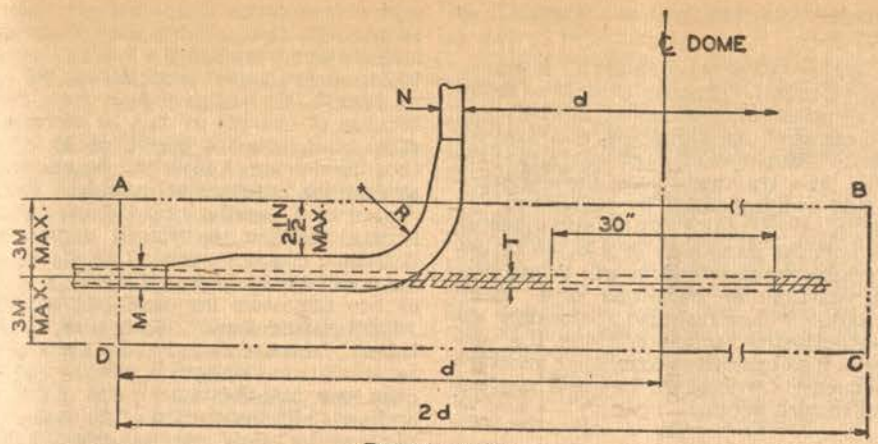


REINFORCEMENT

D = Diameter of cut out in tank shell (29" min.).
T = Shell thickness required by specification.
M = Actual shell thickness.
N = Actual dome shell thickness.
E = Efficiency of weld at top seam.

Cross section area available equals actual area in rectangle $FGHK$. Use $3M$ or $2\frac{1}{2}$" N—whichever is less) ..... =
Cross section area required equals $2T$ (D–1) E excess area over requirements ..... = ——

FIGURE 24A. Dome reinforcement formula I. C. C. 103 AL–W–tanks.



REINFORCEMENT

d = Inside diameter of dome.
T = Shell thickness required by specification.
M = Actual shell thickness.
N = Dome shell thickness.
E = Efficiency of welded joint at top seam in shell of tank.

Cross section area available equals actual area in rectangle $ABCD$. (Use $3M$ or $2\frac{1}{2}N$—whichever is less) =

Additional area required equals T $(2d-30)$ E =

Excess area over requirements =

FIGURE 24–B. Dome reinforcement formula I. C. C. 103 AL–W.

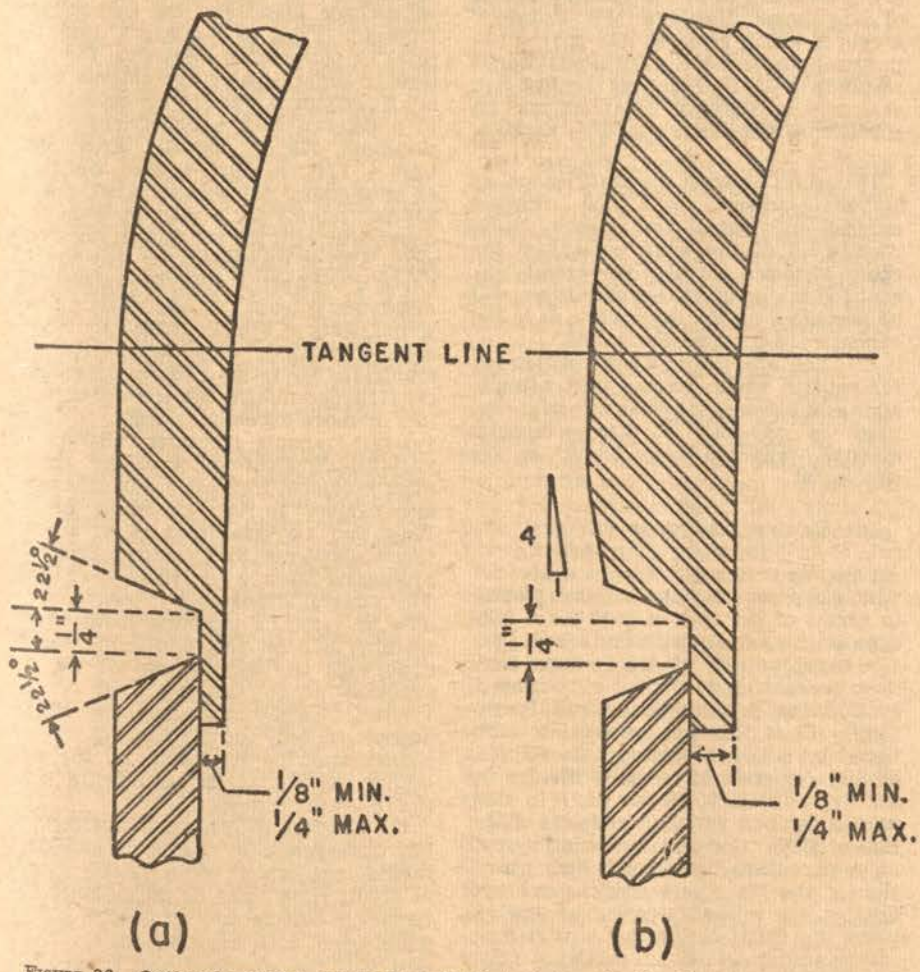


FIGURE 26. Optional welding for head-shell joints (when inside diameter is not over 36 inches).

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on August 21, 1951, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–6499; Filed, June 5, 1951; 8:46 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

SEQUOIA-KINGS CANYON NATIONAL PARKS AND LASSEN VOLCANIC NATIONAL PARK; COMMERCIAL AUTOMOBILES AND BUSSES

1. Section 20.8, entitled *Sequoia-Kings Canyon National Parks*, is amended by adding a new paragraph (f) reading as follows:

(f) *Commercial automobiles and busses.* The prohibition against the admission of commercial automobiles and busses to Sequoia and Kings Canyon National Parks, contained in § 1.36 of this chapter (36 CFR 1.36), shall be subject to the following exceptions: Motor vehicles operated on a general, infrequent, and nonscheduled tour on which the visit to the parks is an incident to such tour, carrying only round-trip passengers traveling from the point of origin of the tour, will be accorded admission to the parks upon establishing to the satisfaction of the superintendent that the tour originated from such place and in such a manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public at or outside of the parks pursuant to contract authorization with the Secretary. Admission to the parks will be accorded such motor vehicles upon payment of a special tour permit fee of $2.00 per passenger-carrying seat in the vehicle.

2. Section 20.11, entitled *Lassen Volcanic National Park*, is amended by adding a new paragraph (f) reading as follows:

(f) *Commercial automobiles and busses.* The prohibition against the admission of commercial automobiles and busses to Lassen Volcanic National

Park, contained in §1.36 of this chapter (36 CFR 1.36), shall be subject to the following exception: Motor vehicles operated on a general, infrequent, and nonscheduled tour on which the visit to the park is an incident to such tour, carrying only round-trip passengers traveling from the point or origin of the tour, will be accorded admission to the park upon establishing to the satisfaction of the superintendent that the tour originated from such place and in such a manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public at or outside of the park pursuant to contract authorization with the Secretary. Admission to the park will be accorded such motor vehicles upon payment of a special tour permit fee of $1.00 per passenger-carrying seat in the vehicle.

(39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 29th day of May 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-6486; Filed, June 5, 1951; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

MISCELLANEOUS AMENDMENTS

1. Section 21.24 is amended to read as follows:

§ 21.24 *Residency.* (a) The law provides that an Allied veteran must be a resident of the United States at the time of filing his application for benefits. Accordingly, no application will be accepted from Allied veterans residing in foreign countries. Where the application or evidence indicates that an Allied veteran is residing outside the United States, eligibility should be denied until such time as he establishes a residence in the United States.

(1) The term "United States" means the several States, Territories, and possessions, and the District of Columbia.

(b) Where an Allied veteran files a claim when residing in a foreign country, the fact that he claims a legal residence or domicile in the United States, or the fact that his application was filed through a United States diplomatic or consular office, is immaterial. In order to establish eligibility, the record must clearly show that the veteran was in actual physical residence in the United States as defined in paragraph (a) (1), of this section at the time of filing his application under either Part VII or Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), and shall include an affidavit which states explicitly that the veteran was so residing at the time.

2. In § 21.52, the introduction of paragraph (a) and subparagraph (3), paragraphs (b) and (d) are amended as follows:

§ 21.52 *Charges against entitlement*—(a) *General.* Charges against a veteran's period of entitlement will be made in terms of years, months, and days for periods during which the veteran is carried in a training status, including periods comprehended by paragraph (g) of this section and § 21.65, and applying definitions contained in § 21.104 to determine whether charge will be made at a full-time or part-time rate. Such charges will be recorded at the time the authorization action entering the veteran into training is completed, and subsequently revised if circumstances require such action.

* * * * *

(3) Where a course is pursued on a part-time basis, as defined in § 21.104, the resulting period of years, months, and days obtained by subtraction will be multiplied by the appropriate part-time fraction (¼, ½, or ¾). A fraction of more than one-half day in the final result will be counted as 1 day. A fraction of one-half day or less will be disregarded. Entitlement will be charged in all cases, even though the training time is not sufficient to warrant authorization of subsistence allowance. For example, a course which requires less than 3 semester hours (or the equivalent) would result in a ¼ time charge against the veteran's entitlement even though no subsistence allowance would be payable.

* * * * *

(b) *Audit courses in institutions of higher learning.* (1) The charges against entitlement for courses which require all of the work prescribed for other students enrolled for credit, except for taking credit examinations, will be measured on the same basis as if the course were pursued for credit.

(2) The charges against entitlement for courses which require only attendance and listening at class will be measured as one-half of the ordinarily granted semester-hour credit or its equivalent.

* * * * *

(d) *Courses costing in excess of the rate of $500 for an ordinary school year.* An eligible person pursuing a course for which he elects to have payments made in excess of the rate of $500 for a full-time course for an ordinary school year (see paragraph (h) of this section) shall have charges made against his period of entitlement in accordance with paragraph (a) of this section, and an additional period representing 1 day of eligibility for each $2.10 ($500 divided by 238 days equals $2.10 per day) in that part of the cost which is in excess of the rate of $500. For courses being pursued on a part-time basis under this provision of the law, there shall be charged against the veteran's period of entitlement the usual charge for a part-time course and an additional period of 1 day of eligibility for each $2.10 in that part of the cost which is in excess of the relevant proportion of the rate of $500 applicable to a part-time course. For example, a veteran pursues a full-time course during the school year of two semesters which begins on September 24 and ends on June 7, the cost of which amounts to $542. There shall be regularly charged against the veteran's entitlement the period from September 24 to June 7, 8 months and 14 days, but because of the $42 of cost in excess of $500, an additional period of 20 days ($42 divided by $2.10) shall be charged against his entitlement making a total charge of 9 months and 4 days. As a further example, a veteran pursues a half-time course consisting or 6 semester credit-hours during the school year of two semesters beginning September 24 and ending June 7, the cost of which is $292. There shall be regularly charged against his entitlement 4 months and 7 days (one-half of 8 months and 14 days) and an additional period of 20 days because of the $42 of cost in excess of $250. This makes a total charge against the veterans' eligibility of 4 months and 27 days (par. 5, Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12)).

* * * * *

3. In § 21.104, paragraphs (a) and (c) are amended and a title is added to paragraph (b) (1) as follows:

§ 21.104 *Rates of subsistence allowance*—(a) *Full and part-time rates of subsistence allowance for institutional training.* Prior to January 1, 1946, the rates of subsistence allowance for full-time training payable to a veteran without a dependent was $50 per month, and to a veteran with a dependent or dependents, $75 per month. From January 1, 1946, to April 1, 1948, the rates of subsistence allowance payable were $65 per month for a veteran without a dependent, and $90 per month for a veteran with a dependent or dependents. On or after April 1, 1948, the subsistence allowance rates of, or appropriate fractional parts of $75 per month for a veteran without a dependent, $105 per month for a veteran with one dependent, or $120 per month for a veteran with two or more dependents, apply to those veteran-students pursuing full-time or part-time institutional training. On or after August 8, 1946, all subsistence rates are subject to the statutory ceiling limitation on combinations of subsistence allowance and compensation for productive labor, as provided in § 21.105. The rates of subsistence allowance payable to veterans pursuing institutional training will be determined in accordance with the certification of the institution as to training load of the veteran. Subsistence allowance will be authorized only on the basis of certifications showing the extent of the veteran's enrollment in accordance with the following criteria:

(1) *Courses in collegiate institutions.* For undergraduate courses in collegiate institutions, which use a standard unit of credit recognized by educational accrediting associations or recognized by members of such associations to the extent that the standard unit of credit is acceptable at full value and without examination, the determination as to the rate of subsistence allowance payable during any regular quarter or semester will be based on the number of standard semester-hours or the equivalent

(quarter-hours, term-hours, etc.) per semester (quarter, term, etc.) for which the veteran is registered for credit in accordance with the following schedule:

(i) 12 or more credit-hours—full-time rates.

(ii) Less than 12 but not less than 9 credit-hours—¾-time rates.

(iii) Less than 9 but not less than 6 credit-hours—½-time rates.

(iv) Less than 6 but not less than 3 credit-hours—¼-time rates.

(v) Less than 3 credit-hours—no subsistence allowance.

(vi) Subsistence allowance for periods other than the regular semester, term, or quarter will be authorized at the full, ¾, ½, or ¼ rates according to the certification of the institution that the veteran is pursuing full-, ¾-, ½-, or ¼-time training. In making such certifications the institution will be expected to observe the criteria set forth in this section. The number of credit-hours for which the veteran must be registered for credit in order to be authorized the full-time rate of subsistance allowance is that number of credit-hours which will require at least 12 standard class sessions of attendance per week or their equivalent in laboratory or field work, research, or other types of prescribed activity. For example: A veteran who is enrolled in a short summer session requiring attendance at 12 standard class sessions per week will be considered in full-time training although he may be registered for or earn as little as 2 or 3 credit-hours for the period involved.

(vii) For courses which are acceptable for credit but for which credit may not be awarded to a veteran-student because of his failure to meet college entrance requirements or for some other equally valid reason, the rate of subsistence allowance payable will be determined upon the same basis as if the course were pursued for credit, provided the veteran performs all of the work prescribed for other students who are enrolled for credit.

(viii) For courses pursued by veterans in a department of an accredited institution of higher learning, such as a technical institute, which department does not grant degrees but which does measure its course in terms of standard credit-hours and can demonstrate that these credits are acceptable at full value by the regular degree-granting elements of the institution, subsistence allowance payable will be determined on the same basis as though the courses were pursued for credit toward a degree.

(ix) Other courses pursued in institutions of higher learning will be measured on the basis of the number of clock-hours required per week in accordance with the schedule contained in subparagraph (3) of this paragraph. These will include but are not limited to secondary courses sometimes offered by extension centers and vocational or adult education departments of institutions of higher learning; for example, high school courses, vocational training courses, etc. Also included in this category are trade or technical courses offered by technical institutes for which the institution of higher learning does not award semester-hours of credit acceptable by the institution in fulfillment of degree requirements.

(x) No subsistence allowance will be paid for courses which the veteran attends only as a listener or auditor since these courses are not acceptible to measurement as to the veteran's progress or accomplishment.

(2) *Graduate courses for which standard units of credit are not granted.* For graduate or advanced professional courses, for which standard units of credit are not given, pursued in collegiate institutions which use a standard unit of credit, subsistence allowance will be authorized at the full, ¾, ½, or ¼ rates, according to the certification of the institution that the veteran is pursuing full-, ¾-, ½-, or ¼-time training.

(3) *Courses on a clock-hour basis.* (i) Prior to October 1, 1950, for courses in all other schools, including high schools, the determination as to the rate of subsistence allowance payable was based on the number of clock-hours of required attendance at the school as certified by the school in accordance with the following schedule:

(*a*) 25 or more clock-hours—full-time rates.

(*b*) Less than 25 but not less than 18 clock-hours—¾-time rates.

(*c*) Less than 18 but not less than 12 clock-hours—½-time rates.

(*d*) Less than 12 but not less than 6 clock-hours—¼-time rates.

(*e*) Less than 6 clock-hours—no subsistence allowance.

(ii) Effective October 1, 1950, a course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 25 hours per week net of instruction is required (exclusive of shop practice periods and any rest periods but not excluding regularly scheduled supervised study periods or customary 5- or 10-minute intervals between classes for the purpose of changing student or teacher stations as required by the school) and provided that instruction is required for not fewer than 5 days per week. Determinations of the extent of part-time training will be in accordance with the following schedule:

(*a*) Less than 25 but not less than 18 clock-hours of instruction per week—¾ time.

(*b*) Less than 18 but not less than 12 clock-hours of instruction per week—½ time.

(*c*) Less than 12 clock-hours of instruction per week—¼ time, but no subsistance allowance is payable for less than 6 clock-hours of instruction per week.

(iii) Effective October 1, 1950, as to courses in those schools which commenced operation subsequent to July 13, 1949; and effective July 1, 1951, as to any new or existing course in schools which were in operation for a period of 1 year prior to July 13, 1950, a trade or technical course offered on a clock-hour basis below the college level, involving shop practice as an integral part thereof, will be considered a full-time course when a minimum of 30 hours per week of attendance in the school is required with not more than 30 minutes' rest period per day allowed: *And provided,* That attendance is required for not fewer than 5 days per week. Determinations of the extent of part-time training will be in accordance with the following schedule:

(*a*) Less than 30 but not less than 22 clock-hours of attendance per week—¾ time.

(*b*) Less than 22 but not less than 15 clock-hours of attendance per week—½ time.

(*c*) Less than 15 clock-hours of attendance per week—¼ time, but no subsistence allowance will be payable for fewer than 7 clock-hours of attendance per week. If a school finds it necessary to grant rest periods in part-time courses, the payment of subsistence allowance will be consistent with the basic requirements for full-time training where the aggregate time per day devoted to such rest periods does not exceed the rate of 6 minutes per hour of attendance. For the purpose of this section "a trade or technical course offered on a clock-hour basis below the college level, involving shop practice as an integral part thereof," shall be considered to include only those courses of training for occupations which are customarily learned through apprenticeships or other training on the job, that is, the skilled, semiskilled, and unskilled occupations as listed under first digits 4 through 9, inclusive, in the second edition of the Dictionary of Occupational Titles, dated March 1949.

(4) *Flight courses.* For courses in flight schools, the determination of the subsistence allowance to be paid will be based on the clock-hours of net instruction per week required in accordance with existing instructions, with ground instruction valued at 1 clock-hour for each required hour of classroom ground instruction, and flight instruction valued at 2 clock-hours for each hour of flying time. (The counting as 2 hours of each 1 hour of actual flying time is based on the fact that by common requirement and experience the flight student spends at the school the additional allowed time, before and after actual flying, receiving instruction, advice, etc., from the instructor or in performing duties necessary to starting actual flying or completing the lesson period after flying.) The payment of subsistence allowance will be upon the basis of the anticipated normal program of flight instruction. Weekly adjustments are not required because of extended periods of nonflight weather or compensatory periods of accelerated flying time, provided the veteran holds himself in readiness for instruction, and such instruction is temporarily suspended due to nonflight weather.

(b) *$65 or $90 per month.* * * *

(1) *On-the-job training.* * * *

(c) *Combination courses.* (1) Where the veteran's course includes related training in a separate institution or establishment where Veterans' Administration standards for determination of the extent of training are dissimilar, and the training in the principal institution or establishment is less than full

time, the extent of the course will be determined by converting the related training to its equivalent in value to the measurement required for full-time training in the principal facility and applying the combined total to the appropriate criteria of paragraph (a) or (b) of this section. Value equivalents are computed as follows:

(i) Related institutional training on a clock-hour basis to principal on-the-job training will be 1.44 hours (36÷25) for each clock-hour of instruction; or 1.20 hours (36÷30) for each clock-hour of attendance.

(ii) Related institutional training on a semester-credit basis to principal on-the-job training will be 3 hours (36÷12) for each semester credit of instruction.

(iii) Related on-the-job training to principal institutional training on a semester-credit basis will be ⅓ semester credit (12÷36) for each related hour of on-the-job training.

(iv) Related on-the-job training to principal institutional training on a clock-hour basis will be .694 hours (25÷36) or .833 hours (30÷36) for each on-the-job training hour.

(v) Repeated institutional training on a clock-hour basis to principal institutional training on a semester-credit basis will be .48 credits (12÷25) for each related clock-hour of instruction; or .40 credits (12÷30) for each clock-hour of attendance.

(vi) Related institutional training on a semester-credit basis to principal institutional training on a clock-hour basis will be 2½ hours (25÷12) or 2½ credits (30÷12) for each related semester credit.

(2) Where each type of training, measured independently in accordance with the ¾, ½, or ¼ fractional standards in paragraphs (a) and (b) of this section, provides a greater subsistence allowance than afforded by determinations in accordance with this paragraph, the former will be for application.

(3) In combination of on-the-job training and related institutional training, the increased rates specified in paragraph (a) of this section will not apply unless the institutional part of the training is equivalent independently to a fractional part as defined therein.

(4) The following examples are illustrative of the principles set forth in this paragraph:

(i) A veteran without dependents is pursuing on-the-job training for 34 hours per week with 2 hours of related training in a course comprehended by paragraph (a) (3) (ii) of this section. Subsistence allowance may be authorized at the rate of $65 per month, since the related institutional training is the equivalent of 2.88 hours of on-the-job training (2×1.44). (If the related training consisted of 6 clock-hours per week, subsistence allowance of $67.50 per month would be permitted since the institutional phase would meet the ¼-time requirements of paragraph (a) of this section.)

(ii) A veteran without dependents is pursuing training for 18 hours per week in a course comprehended by paragraph (a) (3) (ii) of this section, and is enrolled in a collegiate institution for 3 semester credits of related training. Subsistence allowance may be authorized at the rate of $75 per month, since the training in the two institutions equals ¾ and ¼ time, respectively, by the standards outlined in paragraph (a) of this section, notwithstanding the fact that conversion of the 3 semester credits of related instruction (3×2½) to their equivalent in value to the principal training equals a combined total of only 24¼ hours (18÷6¼).

* * * * *

4. Section 21.113 is amended to read as follows:

§ 21.113 *Overpayments of subsistence allowance and other benefits*—(a) *Bar against further education or training on account of outstanding overpayments.* Where a veteran has failed to make arrangements with the finance activity to restore or refund an outstanding overpayment of benefits made under Veterans' Administration laws, and due the government, the registration and research activity may not thereafter reenter the veteran into training. In any such instance, the registration and research activity will be responsible for giving proper notification to the veteran and the institution.

(b) *Liability of institution on account of outstanding overpayments.* Paragraph 5, Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), provides that in any case where an overpayment of subsistence allowance has been made to a veteran for any period beginning on or after July 13, 1950, and the overpayment, which has not been recovered or waived, is proven in a hearing before the committee on waivers to be the result of willful or negligent failure of the school to report to the Veterans' Administration, as required by applicable regulation or contract, unauthorized or excessive absences from a course in which the veteran has been enrolled, or discontinuance or interruption of a course by the veteran, the amount of such overpayment will constitute a liability of the school for such failure to report. Any amount of subsistence allowance recovered from the school will be reimbursed to the school by the finance activity if the overpayment is subsequently recovered from the veteran. If the overpayment is found not due to the willful or negligent failure of the school to report and is not waived with respect to the veteran, the veteran only will be liable for restoration of the amount of overpayment to the Veterans' Administration. If the overpayment is waived with respect to the veteran or has been recovered from him, the school cannot be held liable.

(c) *Reimbursement to institution.* In any case wherein an overpayment of subsistence allowance has not been waived or recovered from the veteran and has been fully recovered from the school, any future recovery from the veteran is to be refunded to the school. If such a veteran subsequently makes arrangement with the finance officer to restore the amount of overpayment to the Veterans' Administration, for example, a veteran who wishes to reenter a course of education or training, any amount so recovered will be reimbursed to the school.

(d) *Responsibility of the registration and research section.* The registration and research section will be responsible for determining whether there is prima facie evidence to indicate that an overpayment of subsistance allowance is the result of willful or negligent failure on the part of the school to report to the Veterans' Administration unauthorized or excessive absences from the course, or discontinuance or interruption of a course by the veteran. Only those cases in which adequate prima facie evidence is of record will be referred to the finance division and the committee on waivers for possible recovery action against the school.

(1) Examples: Where a school has failed to furnish information within a reasonable period from the date the change or discontinuance occurred and the Veterans' Administration record contains other considerations which indicate repeated failures to furnish information or otherwise to cooperate in complying with Veterans' Administration Regulations, referral to finance would be appropriate. However, where the Veterans' Administration record or other known considerations indicate that a school has an operating procedure that is adequate for reporting to the Veterans' Administration timely and pertinent information, but an isolated instance occurs where the school fails to submit a notice within a reasonable period, it would be proper for a registration officer to conclude that the failure was due to an unavoidable human error as distinguished from willfulness or negligence. On the other hand, where there is no report from the school indicating irregular attendance and it is later discovered by the Veterans' Administration, through an audit conducted of the school, or otherwise, that the school had been either negligent in failing to maintain a record of a student's attendance as required by regulation or contract, or that the school had been willful in that it had not made report to the Veterans' Administration of absences disclosed by the attendance records maintained by the school, it would be proper for the registration officer to determine that the overpayment had resulted from the willful or negligent failure of the school to report.

(e) *Contractual liability.* Nothing in the statute or the regulations of this section changes any liability arising under contracts during any period prior to July 13, 1950.

5. In the Provisional Regulations, § 21.187 is canceled.

§ 21.187 *Application of the provisions of the Servicemen's Readjustment Act, Title II, as amended by section 6 Public Law 610, 81st Congress, approved July 13, 1950.* [Canceled.]

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506,

1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective June 6, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51–6550; Filed, June 5, 1951; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 32—SOUTHWESTERN REGION

SUBPART—MULESHOE NATIONAL WILDLIFE REFUGE, TEXAS

FISHING

Basis and purpose: On the basis of observations and reports of field representatives of the Fish and Wildlife Service it has been determined that there is an abundant population of fish in certain waters of the Muleshoe National Wildlife Refuge, Texas that can best be harvested by public fishing at certain times during the year without interfering with or disturbing migratory birds and other wildlife frequenting the project.

Inasmuch as the following regulation is a relaxation of the existing prohibition against fishing on the Muleshoe National Wildlife Refuge, publication prior to the effective date is not required (5 U. S. C. 1001 et. seq.).

Effective immediately upon publication in the FEDERAL REGISTER the following subpart and sections are added:

SUBPART—MULESHOE NATIONAL WILDLIFE REFUGE, TEXAS

FISHING

Sec.
32.201 Fishing permitted.
32.202 Entry.
32.203 State fishing laws.
32.204 Use of boats prohibited.
32.205 Temporary restrictions.

AUTHORITY: §§ 32.201 to 32.205 issued under section 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 32.201 *Fishing permitted.* Noncommercial fishing is permitted in the waters of Upper Goose Lake on the Muleshoe National Wildlife Refuge during the daylight hours of the period from May 30 to September 30 inclusive in any year in accordance with the provisions of §§ 32.202 to 32.205 inclusive.

§ 32.202 *Entry.* Entry upon and use of the Refuge for any purpose are covered by Parts 18 and 21 of this chapter, and strict compliance therewith is required.

§ 32.203 *State fishing laws.* Each person fishing on the Refuge shall comply with the applicable laws and regulations of the state of Texas. Each person fishing in the Refuge shall possess and shall exhibit to any authorized Federal or State official whatever license, if any, is required by law or regulations of the state of Texas, which license shall serve as a Federal permit for fishing in the waters of the Refuge.

§ 32.204 *Use of boats prohibited.* The use of boats or floating devices of any description is prohibited in all Refuge areas except for official purposes.

§ 32.205 *Temporary restrictions.* The Officer in Charge may temporarily suspend fishing in all or part of the Refuge by suitable posting when, in his judgment, such action is necessary for the protection of migratory waterfowl, wildlife concentration, fishes and other aquatic animal life, food and cover plantings for wildlife, or for the carrying out of official operations in such area.

Dated: May 29, 1951.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 51–6485; Filed, June 5, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 952]

[Docket No. AO 234]

HANDLING OF MILK IN THE PROVIDENCE, R. I., MARKETING AREA

NOTICE OF HEARING ON A PROPOSED ORDER AND A PROPOSED MARKETING AGREEMENT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Antioch Grange Hall, Antioch, Rhode Island (about 3 miles west of Thornton, Rhode Island, on Route 14) beginning at 10:00 a. m., e. d. s. t., June 25, 1951, for the purpose of receiving evidence with respect to a proposed order and a proposed marketing agreement regulating the handling of milk in the Providence, Rhode Island, marketing area as set forth herein below, or any modification thereof. This proposed order has not received the approval of the Secretary of Agriculture.

Proposed by Local Dairymen's Cooperative Association and Providence Sales Committee of New England Milk Producers Association:

1. Proposed Marketing Order regulating the Handling of Milk in the Providence, Rhode Island Marketing Area.

DEFINITIONS

§ 952.1 *General definitions*—(a) *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) *Providence, Rhode Island, marketing area.* "Providence, Rhode Island, marketing area," also referred to as the "marketing area," means the territory included within the boundary lines of the following areas:

(1) The State of Rhode Island, except the Island of Rhode Island, and the towns of Little Compton and Tiverton.

(2) The cities and towns of Attleboro, Bellingham, Blackstone, Douglas, Franklin, Millville, North Attleboro, Plainville, Rehoboth, Seekonk, Uxbridge, Webster and Wrentham, Massachusetts.

(3) The city or town of Stonington, Connecticut.

(c) *Order.* "Order," used with the name of a marketing area other than the Providence, Rhode Island, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) *Month.* "Month" means a calendar month.

§ 952.2 *Definitions of persons*—(a) *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) *Dairy farmer.* "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) *Dairy farmer for other markets.* "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk on more than 3 days in any one of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February.

(e) *Producer.* "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer who ordinarily delivers to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 952.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy

farmer who is a producer under the Boston, Lowell, Lawrence, Worcester, or Springfield orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) *Association of producers.* "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) *Handler.* "Handler" means any person who in a given month operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) *Pool handler.* "Pool handler" means any handler who operates a pool plant.

(i) *Producer-handler.* "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from dairy farmers except producer-handlers.

(j) *Buyer-handler.* "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products other than cream are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) *Dealer.* "Dealer" means any person who engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) *Consumer.* "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 952.3 *Definitions of plants*—(a) *Plant.* "Plant" means the land, buildings, surroundings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) *Receiving plant.* "Receiving plant" means any plant currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weight sheets or other records of dairy farmers' deliveries.

(c) *Pool plant.* "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 952.20, 952.21, and 952.22 for being considered a pool plant in that month.

(d) *Regulated plant.* "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

(e) *City plant.* "City plant" means any plant which is located within 10 miles of the marketing area.

(f) *Country plant.* "Country plant" means any plant which is located beyond 10 miles of the marketing area.

§ 952.4 *Definitions of milk and milk products*—(a) *Milk.* "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, concentrated milk, and reconstituted milk.

(b) *Cream.* "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing or is separated from it by centrifugal force, in all forms including sweet, sour, frozen, and aerated cream, and milk and cream mixtures.

(c) *Skim milk.* "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(d) *Fluid milk products.* "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk either individually or collectively.

(e) *Pool milk.* "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(f) *Outside milk.* "Outside milk" means:

(1) All milk received from dairy farmers for other markets.

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except receipts from New York order pool plants which are assigned to Class I milk pursuant to § 952.27 and from regulated plants under the Boston, Lowell, Lawrence, Worcester, or Springfield orders.

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston order, without its intermediate movement to another plant.

(g) *Exempt milk.* "Exempt milk" means milk of a dairy farmer's own production which he delivers in bulk to a plant and for which an equivalent quantity of packaged milk is returned to him during the same month.

(h) *Concentrated milk.* "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this part the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

MARKET ADMINISTRATOR

§ 952.10 *Designation of market administrator.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 952.11 *Powers of market administrator.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 952.12 *Duties of the market administrator.* The market administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 952.71, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor, or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary, publicly disclose, within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 2 days after the date on which he is required to perform such acts, has not made reports or payments pursuant to this part;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(f) Promptly verify the information contained in the reports submitted by the handlers; and

(g) Give each of the producers delivering to a plant as reported by the handler prompt written notice of their actual or potential loss of producer status for the first month in which the

plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 952.15 *Classes of Utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 952.16, 952.17, and 952.18, the classes of utilization shall be as follows:

(a) Class I milk shall be all fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as or in milk; and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 952.16 *Classification of interplant movements of fluid milk products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 952.25 and 952.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the Boston, Lowell, Lawrence, Worcester, or Springfield orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the Boston, Lowell, Lawrence, Worcester, or Springfield orders, they shall be classified in the same class to which the receipt is assigned under such order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the Boston, Lowell, Lawrence, Worcester, or Springfield orders, they shall be classified as Class I milk if retransferred to either of these types of regulated or unregulated plants.

§ 952.17 *Classification of interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 952.18 *Responsibility of handlers in establishing the classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any other milk or milk products received by a handler which is not pool milk, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 952.20 *Requirements for all receiving plants.* Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in §§ 952.21 or 952.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued by the applicable state authority of Rhode Island, Massachusetts or Connecticut, or

(b) A permit has been issued to one or more handlers licensed by the applicable health authorities for the sale of Class I milk in the marketing area to receive milk from such plant.

(c) The plant is operated neither as the plant of a producer-handler, nor as a pool plant pursuant to the provisions of the Boston, New York, Lowell, Lawrence, Worcester, or Springfield orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler unless its operation during October through February was in the handlers' capacity as a producer-handler.

§ 952.21 *Additional requirements for city receiving plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers.

§ 952.22 *Additional requirements for country receiving plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 40 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which is a pool plant continuously from the effective date of this part through February 1952 and any country plant which thereafter is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 952.25 *Assignment of pool handlers' receipts to class I milk.* For the purpose of computing the net quantity of each pool handler's class I milk for which a value is to be computed pursuant to § 952.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 952.27.

(c) Receipts of fluid milk products, other than cream and skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to Providence.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to Providence.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to Providence.

(j) Receipts of skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

§ 952.26 *Assignment of pool handlers' receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 952.25 shall be assigned to Class II milk.

§ 952.27 *Receipts from other federal order plants.* Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts of fluid milk products, other than cream, from regulated plants under the Lowell, Lawrence, Worcester or Springfield orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class

II milk up to the total Class II uses of fluid milk products other than cream at the receiving plant.

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified in Classes I–A or I–B under the New York order.

REPORTS OF HANDLERS

§ 952.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 952.25, 952.26, and 952.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 952.15 952.16, and 952.17.

§ 952.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 952.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 952.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to each producer with the prices, deductions, and charges involved.

§ 952.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 952.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this part;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator finds necessary for the purpose specified in this section.

§ 952.36 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASS PRICES

§ 952.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest reported figures available on the next succeeding work day shall be used:

(a) Divide by 0.98 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(b) Divide by 3 the sum of the three latest monthly indexes of department store sales in the Boston Federal Reserve District adjusted for seasonal variations, as reported by the Federal Reserve System, with the years 1935–39 as the base period, and divide the result so obtained by 1.26.

(c) Compute an index of grain-labor costs in the Boston milkshed in the following manner:

(1) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed, as reported by the United States Department of Agriculture, divide by 0.5044 and multiply by 0.6.

(2) Compute the weighted average of the monthly composite farm wage rates for the latest available month for Maine, Massachusetts, New Hampshire, and Vermont, as reported by the United States Department of Agriculture, divide by 0.5952, and multiply by 0.4. In computing the weighted average, weigh the respective rates as follows: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77.

(3) Add the results determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Divide by 3 the sum of the final results computed pursuant to the preceding paragraphs of this section. Express the result as a whole number by dropping fractions of less than one-half or by raising fractions of one-half or more to the next whole number. The result shall be known as the formula index.

(e) Subject to the succeeding paragraphs of this section, the Class I price per hundredweight at city plants shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Formula index	Class I price per hundredweight		
	Jan.-Feb.-Mar.-July-Aug.-Sept.	Apr.-May-June	Oct.-Nov.-Dec.
50–56	$2.50	$2.06	$2.94
57–63	2.72	2.28	3.16
64–70	2.94	2.80	3.38
71–77	3.16	2.72	3.60
78–84	3.38	2.94	3.82
85–90	3.60	3.16	4.04
91–97	3.82	3.38	4.26
98–104	4.04	3.60	4.48
105–111	4.26	3.82	4.70
112–118	4.48	4.04	4.92
119–125	4.70	4.26	5.14
126–132	4.92	4.48	5.36
133–139	5.14	4.70	5.58
140–146	5.36	4.92	5.80
147–152	5.58	5.14	6.02
153–159	5.80	5.36	6.24
160–166	6.02	5.58	6.46
167–173	6.24	5.80	6.68
174–180	6.46	6.02	6.90
181–187	6.68	6.24	7.12
188–194	6.90	6.46	7.34

If the formula index is more than 194 the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the six highest index brackets.

(f) The Class I price shall be 44 cents more than the price prescribed in paragraph (e) of this section if (under the provisions of the Boston order) less than 33 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this para-

graph would cause the Class I price to be more than 88 cents above the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent increase as will result in a Class I price equal to the Class I price for the same month of the preceding year plus 88 cents.

(g) The Class I price shall be 44 cents less than the price prescribed in paragraph (e) of this section if (under the provisions of the Boston order) more than 41 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents below the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent reduction as will result in a Class I price equal to the Class I price for the same month of the preceding year minus 88 cents.

(h) Notwithstanding the provisions of (a)–(g) of this section, the Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(i) The Class I price determined under the preceding paragraphs of this section shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

§ 952.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be determined for each month pursuant to this section.

(a) Divide by 33.(48) the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is delivered, and multiply the result by 3.7.

(b) Multiply by 7.5 the average price per pound of roller process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is received.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month.

Month:	*Amount (cents)*
January and February	57.5
March and April	69.5
May and June	75.5
July	69.5
August and September	63.5
October, November, and December	57.5

§ 952.42 *Country plant price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 952.40 and 952.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the State House in Providence, over highways on which the highway departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Providence from the nearest railway shipping point for such plant, whichever is shorter. The applicable differentials shall be those set forth in the following table, as adjusted pursuant to § 952.43:

DIFFERENTIALS FOR DETERMINATION OF COUNTRY PLANT PRICES

A Zone (miles)	B Class I price differentials (cents per cwt.)	C Class II price differentials (cents per cwt.)
0–100	(1)	(1)
101–110	−65.0	−2.5
111–120	−66.5	−2.5
121–130	−66.5	−2.5
131–140	−67.5	−2.5
141–150	−70.0	−2.5
151–160	−71.5	−3.5
161–170	−71.5	−3.5
171–180	−74.0	−3.5
181–190	−74.0	−3.5
191–200	−75.5	−3.5
201–210	−75.5	−5.0
211–220	−79.5	−5.0
221–230	−80.0	−5.0
231–240	−81.0	−5.0
241–250	−81.0	−5.0
251–260	−82.0	−6.5
261–270	−82.5	−6.5
271–280	−83.0	−6.5
281–290	−84.0	−6.5
291 and over	−85.0	−6.5

[1] No differential.

§ 952.43 *Automatic changes in country plant price differentials.* In case the rail tariff for the transportation of milk in 40-quart cans in carlots of 200 or more cans or for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff M No. 6 and supplements thereto or revisions thereof, is increased or decreased, the country plant price differentials set forth in the table in § 952.42 shall be correspondingly increased or decreased in the manner and to the extent provided in this section. Such adjustment shall be effective beginning with the first complete month in which the changes in rail tariffs apply. If such rail tariff on milk is changed, the differentials set forth in Column B of the table shall be adjusted to the extent of any such change. If such rail tariff on cream is changed, the differentials set forth in Column C of the table shall be adjusted to the extent of any such change divided by 9.05. Adjustment shall be made to the nearest one-half cent per hundredweight.

§ 952.44 *Use of equivalent prices in formulas.* If for any reason a price, index, or wage rate specified by this part for use in computing class prices and for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 952.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

BLENDED PRICES TO PRODUCERS

§ 952.50 *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 952.25 (a), (b), (c), (g), and (j);

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 952.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 952.40, 952.41 and 952.42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 952.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 952.25 (f), (i), and (k) by the price applicable pursuant to §§ 952.41 and 952.42.

§ 952.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk, computed pursuant to § 952.50, for each pool handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to § 952.61 (b) for milk received during each month since the effective date of the most recent amendment to this order;

(b) Add the total amount of payments required from handlers pursuant

to § 952.65 and from buyer-handlers and producer-handlers pursuant to § 952.66;

(c) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 952.61, 952.62, 952.65, 952.66, and 952.67;

(d) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 952.64;

(e) Divide by the total quantity of producer milk for which a value is determined pursuant to paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 952.61 and 952.62. This result, which is the minimum price payable to producers for milk containing 3.7 percent butterfat received from them at city plants, shall be known as the basic blended price.

§ 952.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the country plant price differentials pursuant to § 952.64; and

(c) The names of pool handlers, designating those whose milk is not included in the computations.

PAYMENTS

§ 952.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this paragraph shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 952.61 (a).

§ 952.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 952.50 as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 952.63 and 952.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to: on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 952.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 952.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 952.62 *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payment pursuant to §§ 952.61 (b), 952.65, and 952.66, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Wherever verification discloses that payment is payable by the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 952.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 952.63 *Butterfat differential.* Each handler shall, in asking payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10.

§ 952.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 952.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 952.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located in any of the following areas, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to § 952.40 and § 952.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price:

(1) The State of Rhode Islands.

(2) That portion of Connecticut east of the Connecticut River.

(3) Bristol, Middlesex, Norfolk, Plymouth and Worcester Counties, and that portion of Hampden County east of the Connecticut River, in Massachusetts.

§ 952.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between Class I and Class II prices pursuant to §§ 952.40, 952.41, and 952.42, effective for the location of freight mileage some of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 952.40, 952.41, and 952.42, effective for the location or freight mileage zone of the handler's plant.

§ 952.66 *Payments on Class I receipts from New York order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the Class I price pursuant to §§ 952.40 and 952.42, effective for the location or freight mileage zone of the plant from which the Class I milk was received by the butterfat differential calculated pursuant to § 952.63.

(b) Adjust the zone Class I–A or I–B price applicable under the New York order by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the New York order plant by the difference in price.

§ 952.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 952.61, 952.62, 952.65, and 952.66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 11th day of such month.

§ 952.68 *Statements to producers.* In making the payments to producers prescribed by § 952.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 952.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by

the handler, including any deductions claimed under §§ 952.69 and 952.70, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

§ 952.69 *Marketing service deductions; nonmembers of an association of producers.* In making payments to producers pursuant to § 952.61 (a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 952.70, deduct 4 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 25th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 952.70 *Marketing service deductions; members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 952.69, each handler shall, in lieu of the deductions specified in § 952.69, make such deductions from payments made pursuant to § 952.61 (a) as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deductions to such associations.

§ 952.71 *Expense of administration.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundred weight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

§ 952.72 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 952.80 *Effective time.* The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 952.81.

§ 952.81 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 952.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 952.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 952.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Proposed by Whiting Milk Company and East Greenwich Dairy Company:

2. Provide that Providence, Rhode Island, marketing area shall include the U. S. Naval Operating Base located in Newport County, Rhode Island, including but not limited to the following:

1. U. S. Naval Supply Base, Coddington Cove, Newport, R. I.

2. U. S. Naval Training Station, Newport, R. I.

3. U. S. Naval Torpedo Station, Newport, R. I.

4. U. S. Naval Hospital, Newport, R. I.

5. Post Quartermaster, Marine Barracks, Naval Base, Newport, R. I.

6. Ships of the Navy on orders issued by the Commanding Officer, Naval Supply Depot, Newport, R. I.

7. Vessels of the U. S. Coast Guard Service.

8. Requiring activities of the U. S. Coast and Geodetic Survey.

9. All other shore activities at the Naval Base, Newport, R. I.

Proposed by Deary Bros., Inc.:

3. In the event that Webster is included in the Providence milk marketing area there should be added the following cities and towns in Massachusetts:

Charlton.	Holland.
Brimfield.	Southbridge.
Oxford.	Sturbridge.
Dudley.	Wales.

Proposed by Deary Bros., Inc., Deary Bros. Co., and Butler's Dairy, Inc.:

4. In the event that Webster is included in the Providence milk market-

ing area there should be added the following cities and towns in Connecticut:

Quinebaug.	Central Village.
East Thompson.	Pascoag.
Thompson.	Wilsonville.
North Grosvenordale.	Mechanicsville.
Grosvenordale.	Ballouville.
Woodstock.	Elmville.
Putnam.	Olneyville.
Killingly.	Oneco.
Somers.	West Willington.
West Stafford.	Danielson.
Rockville.	Brooklyn.
Vernon Center.	Merram.
Coventry.	Mansfield Depot.
Bolton.	Eagleville.
Andover.	South Coventry.
Crystal Lake.	Hop River.
East Killingly.	Columbia.
South Killingly.	Chestnut Hill.
Tolland.	Staffordville.
Moosup.	Stafford.
Plainfield.	Stafford Springs.
Jewett City.	Westford.
North Ashford.	East Willington.
Woodstock Valley.	South Willington.
Eastford.	West Ashford.
Ashford.	Mansfield.
Warrenville.	Storrs.
Hampton.	Spring Hill.
Hanover.	Mansfield Center.
Verseilles.	Willimantic.
North Woodstock.	South Windham.
West Woodstock.	Chaplin.
South Woodstock.	Clark's Corner.
Pomfret.	North Windham.
Pomfret Center.	Scotland.
Phoenixville.	Windham.
Abington.	North Franklin.
Westminster.	Wauregan.
Centerbury.	Sterling.
Attawangan.	

Proposed by Lyndenville Creamery Co., Inc., Devine's Creamery, Inc., Devine's Milk Laboratories, Inc., and Devine's Mount Hope Farm:

5. In the event there is included in the Providence milk marketing area Attleboro, North Attleboro, Plainville, Rehoboth, Seekonk, or Wrentham there should be added the following cities and towns in Massachusetts:

Berkeley.	Dighton.
Easton.	Foxboro.
Freetown.	Lakeville.
Mansfield.	Middleboro.
Norton.	Raynham.
Taunton.	Wareham.

Proposed by Emile J. Proteau:

6. Delete from the definition of the Providence marketing area the town of Wrentham, Massachusetts.

Proposed by Local Dairymen's Cooperative Association, Inc.:

7. Consider the use of a fall premium plan, with a deduction of 50 cents per hundredweight on all milk delivered by producers in May and June and payback to producers (of the sum so collected) in October and November, in lieu of four seasonal changes each year in the Class I price or a base rating system. Pay-back should be made only to producers of record in May and June.

8. Consider the adoption of Class I price formula either in the form of paragraph (a) or (b) as follows:

(a) The Class I price shall be 29¢ per hundredweight above the Boston annual level or 40¢ above the New York annual level (adjusted to bracket steps), whichever is higher. The New York annual level to be used shall be for 3.7 percent milk delivered to the market, adding the same amount to the 201–210 mile zone price to convert to a delivered price as is added to the Boston 201–210 mile zone price.

(b) The Class I price shall be determined by the following formula:

(1) Compute a formula index as follows:

(i) Current U. S. Wholesale commodity price index divided by index for April 1, 1951, times 20 percent.

(ii) Current index of Providence department store sales, divided by index for 3 months, February–April 1951, times 40 percent.

(iii) Simple average of current monthly farm wage rates in Rhode Island and Connecticut, divided by average for April 1, 1951, times 20 percent.

(iv) Current New England dairy ration prices, divided by average prices for four weeks ending May 25, 1951, times 20 percent.

(2) Multiply $6.46 by above index, divided by 100 and adjust to nearest 22¢ bracket, e. g. $6.24, $6.46, $6.68, $6.90, etc.

(3) Include supply-demand adjustment factor provided by the Boston order.

(4) Use contra-seasonal provision, March–June and September–December as in Boston order.

(5) Use May–June take-out and October–November pay-back under a level production incentive plan (with no take-out in 1951, have seasonal price rise of 44¢ in 1951 only).

(6) *Provided further*, That:

(i) The resulting price shall be not less than 7¢ over Boston and 18¢ over New York annual level (3.7% f. o. b. city plants, with New York price adjusted to nearest bracket).

(ii) The resulting price shall be not more than 51¢ over Boston and 62¢ over New York, except when this provision conflicts with subparagraph (i) of this paragraph.

Proposed by Lyndonville Creamery Co., Inc., Devine's Creamery, Inc., Devine's Milk Laboratories, Inc., and Devine's Mount Hope Farm:

9. Add to the proposed § 952.1 (e) as follows:

(e) *Marketing year.* The "marketing year" means the twelve-months' period from August 1st of each year to July 31st of the following year.

10. Add to § 952.1 the following paragraph (f):

(f) *Emergency period.* "Emergency period" means the period of time for which the market administrator declares that an emergency exists in that the milk supply available to the marketing area from producers is insufficient to meet the demand for Class I milk in the marketing area.

11. Revise § 952.4 (f) (3) to read as follows:

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants under this order or from plants regulated by the Boston Order, which is disposed of to consumers in the marketing area from an unregulated plant.

12. Add to § 952.4 a new paragraph (h) as follows:

(h) *"Emergency milk.* "Emergency milk" means fluid milk products other than cream received at a regulated plant during an emergency period from a plant which was an unregulated plant in the month immediately preceding the month in which the emergency period became effective.

13. Add to § 952.15 a new paragraph as follows:

Receipts of emergency milk. (1) Emergency milk received by a handler whose total use of Class II milk is in excess of 10 percent of the total volume of fluid milk products, other than cream, handled by him shall be assigned to Class II milk to the extent of such excess. For the purpose of this subparagraph, the handler's total Class II milk and total volume handled shall be the total of the respective quantities from the first day on which emergency milk is received by the handler during the month up to and including the last such day in the month.

(2) If the quantity of emergency milk as to which specific Class II use is established is greater than the quantity assigned to Class II milk pursuant to subparagraph (1) of this paragraph, such greater quantity shall be assigned to Class II milk in lieu of the quantity determined under that subparagraph.

(3) Receipts of emergency milk not assigned to Class II milk shall be assigned to Class I milk.

14. Revise § 952.20 (a) to read as follows:

(a) All of the dairy farmers delivering milk to the plant hold certificates of registration issued by the applicable state authorities of Rhode Island, Massachusetts or Connecticut or whose milk is approved by health authorities in the area of production.

15. Substitute for proposed § 952.22 (a) and (b), the following:

(a) Subject to paragraph (b) of this section, each country receiving plant shall be a pool plant in the first month in which ten percent of the handler's total receipts of fluid milk products other than cream are disposed of in the marketing area as Class I milk and shall thereafter be a pool plant for the remaining months of the marketing year in which it is operated. The first year of operation shall be from the promulgation of the order to the following July 31st and thereafter from August 1st to July 31st of the following year.

(b) (1) Each plant which has acquired pool status but from which no Class I milk in the form of milk is disposed of in the marketing area for too successive months in the marketing year shall be a non-pool plant in the second of the two months and in each successive month of the marketing year during which no such Class I milk disposition is made.

(2) Each country plant for which the market administrator has received on or before the sixteenth day of the preceding month the handler's written request for non-pool plant designation shall be a non-pool plant in each month of the

marketing year to which the request applies.

16. Add to § 952.41 a paragraph (d) as follows:

(d) During the months in which the butter and cheese adjustment is operative under the Boston Order No. 904, a similar provision shall be operative in this order.

Proposed by Rhode Island Milk Dealers Association:

17. Provide in § 952.20, requirements for all receiving plants, that a receiving plant shall be a pooled plant under the emergency permit procedure of the Rhode Island Department of Health, and the conflict eliminated between the operating of such emergency permit procedure and the pool plant provision of the proposed milk order.

18. In § 952.22 (a), amend the proposal for qualification of a plant to require 15 percent in place of 40 percent of the total receipts, and the months called for under paragraph (c) be November, December, and January.

Proposed by H. P. Hood & Sons:

19. Revise proposed § 952.20 (d) to read:

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through January shall not be a pool plant in any of the following months of February through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through January was in the handler's capacity as a producer-handler.

20. Revise proposed § 952.22 (a) to read:

(a) Each country receiving plant shall be a pool plant in any month in which more than 15 percent of its total receipts of fluid milk products other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk. However, any country receiving plant may be designated by a pool handler as a pool plant if such request is made to the administrator not less than 15 days in advance of the effective date of pooling and if the pool qualification of the plant does not result in the pool handler's total utilization of purchases from producers being less than 50 percent Class I. Any country plant which qualifies as a pool plant under any of the provisions of this paragraph for the first month in which the order is effective, or for any month of October thereafter shall retain its pooled status in each succeeding month in which it ships milk to the marketing area unless the handler requests termination of pool plant designation for the plant.

21. Revise proposed § 952.22 (b) to read:

(b) Any country plant which is a pool plant continuously from the effective date of this order through January 1952 and any country plant which thereafter is a pool plant continuously in each of the months from October through January shall be a pool plant continuously for the following months of February through September regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such eight months' period is received by the market administrator before February 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

22. Amend § 952.65 to provide that payments on outside milk originating at plants outside the 6 New England States and New York shall not be required in respect to such milk received during a period when an emergency has been declared pursuant to Federal Order No. 4.

Proposed by Rhode Island Milk Control Board:

23. Provide that any Federal order regulating the handling of milk in the Providence, Rhode Island, marketing area be issued in the form of an order complementary to an order issued by the Rhode Island Milk Control Board.

Proposed by the Massachusetts Milk Control Board:

24. That, if as a result of this hearing, the Secretary of Agriculture shall determine that any Massachusetts city or town should be included in the Providence, Rhode Island, marketing area, any order issued by the Secretary of Agriculture regulating the handling of milk in such marketing area, shall be an order complementary to a similar order to be issued by the Massachusetts Milk Control Board.

Issued at Washington, D. C., this 1st day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-6536; Filed, June 5, 1951; 8:51 a. m.]

[7 CFR, Part 953]

[Docket No. AO-144-A3]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 51-6297, appearing at page 5062 of the issue for Wednesday, May 30, 1951, the following changes should be made:

1. On page 5063, first column:

a. Line 30, the word "Those" should read "These".

b. Line 45, the word "to" should be deleted.

2. In the fourth line of § 953.27, the word "from" should read "for."

3. In § 953.51 (c), the word "recommended" should read "recommend."

4. In § 953.53 (g), the word "two-weeks" should read "two-week".

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 29]

PAYMENT OF INCOME TAX BY INSTALLMENT PAYMENTS AND OF TAX WITHHELD AT SOURCE FROM NONRESIDENT ALIENS, RETURNS OF ESTATES, TRUSTS, AND CORPORATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to sections 205 and 219 of the Revenue Act of 1950 (Public Law 814, 81st Cong., 2d Sess.), approved September 23, 1950, and section 305 of the Excess Profits Tax Act of 1950 (Public Law 909, 81st Cong., 2d Sess.), approved January 3, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.52-1 the following:

SEC. 305. FILING OF RETURNS FOR TAXABLE YEARS ENDING AFTER JUNE 30, 1950, AND BEFORE DECEMBER 31, 1950 (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1950).

In the case of a corporation subject to the tax imposed by subchapter D of chapter 1 of the Internal Revenue Code for a taxable year ending after June 30, 1950, but prior to December 31, 1950, such corporation shall after the date of the enactment of this act and before March 15, 1951, make a return for such taxable year with respect to the tax imposed by chapter 1 of the Internal Revenue Code for such taxable year. The return required by this section for such taxable year shall constitute the return for such taxable year for all purposes of the Internal Revenue Code; and no return for such taxable year, with respect to any tax imposed by chapter 1 of such code, filed on or before the date of the enactment of this act shall be considered for any of such purposes as a return for such year. The taxes imposed by chapter 1 of such code (determined with the amendments made by this act) for such taxable year shall be paid on March 15, 1951, in lieu of the time prescribed in section 56 (a) of such code. All payments with respect to any tax for such taxable year imposed by chapter 1 of such code under the law in effect prior to the enactment of this act, to the extent that such payments have not been credited or refunded, shall be deemed payments made at the time of the filing of the return required by this section on account of the tax for such taxable year under chapter 1 deter-

mined with the amendments made by this act.

PAR. 2. There is inserted immediately after § 29.52–2 the following:

§ 29.52–3 *Certain corporation returns for taxable years ending after June 30, 1950, and before December 31, 1950.* The return of a corporation (other than a corporation exempt from the excess profits tax under section 454) for a taxable year ending after June 30, 1950, and before December 31, 1950, shall be filed after January 3, 1951 (the date of enactment of the Excess Profits Tax Act of 1950), and on or before March 15, 1951. Such return shall constitute the return for such taxable year, and no return for such taxable year filed on or before January 3, 1951, shall be considered as a return for such year. The taxes for such taxable year shall be paid on or before March 15, 1951. All payments of tax (including interest, penalties, and additions to the tax) for such taxable year made on or before January 3, 1951, shall be deemed to be payments of tax made at the time of the filing of the return required by this paragraph to be filed on or before March 15, 1951, except to the extent any such payments are credited or refunded prior to the time such return is filed. The provisions of § 29.56–1 (a) shall apply with respect to the payment of such tax by installment payments, and for such purpose, the date prescribed for the payment of the tax as a single payment is March 15, 1951.

PAR. 3. There is inserted immediately preceding § 29.53–1 the following:

SEC. 205. PAYMENT OF INCOME TAX BY INSTALLMENT PAYMENTS, AND RETURNS OF ESTATES AND TRUSTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(b) Filing of Returns and Payment of Tax by Fiduciaries of Estates and Trusts.

(1) Section 53 (a) (1) (relating to time for filing returns) is hereby amended to read as follows:

(1) *General rule.* Returns made on the basis of the calendar year shall be made on or before the fifteenth day of March following the close of the calendar year, except that in the case of the return of the fiduciary of an estate or trust, the return shall be made on or before the fifteenth day of April following the close of the calendar year. Returns made on the basis of a fiscal year shall be made on or before the fifteenth day of the third month following the close of the fiscal year, except that in the case of the return of the fiduciary of an estate or trust, the return shall be made on or before the fifteenth day of the fourth month following the close of the fiscal year.

* * * * *

(3) The amendments made by this subsection shall be applicable only with respect to taxable years ending after the date of the enactment of this act.

PAR. 4. Section 29.53–1, as amended by Treasury Decision 5816, approved December 5, 1950, is further amended as follows:

A. By inserting immediately after subparagraph (7) of the first paragraph thereof the following:

(8) In the case of a return of a fiduciary of an estate or trust for a taxable year ending after September 23, 1950, on or before the 15th day of the fourth month following the close of such year.

B. By inserting at the end thereof the following paragraph: "For provisions relating to the time for filing certain corporation returns for taxable years ending after June 30, 1950, and before December 31, 1950, see § 29.52–3."

PAR. 5. Paragraph (b) of § 29.53–3 is amended by inserting after "December 31, 1941," the following: "and ending before December 31, 1951,".

PAR. 6. There is inserted immediately preceding § 29.56–1 the following:

SEC. 205. PAYMENT OF INCOME TAX BY INSTALLMENT PAYMENTS, AND RETURNS OF ESTATES AND TRUSTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) Payment of Income Tax by Installment Payments. Effective with respect to taxable years ending on or after December 31, 1950, section 56 (b) (relating to installment payments of income tax) is hereby amended to read as follows:

(b) *Installment payments*—(1) *Estates of decedents.* In the case of the estate of a decedent, the fiduciary may elect to pay the tax in four equal installments.

(2) *Corporations.* In the case of a corporation:

(A) *Taxable years ending before December 31, 1954.* The taxpayer may elect with respect to any taxable year ending before December 31, 1954, to pay the tax in four installments, and in such case the amount of the tax paid by each installment shall be determined as follows:

If the taxable year ends—		Each of the first 2 installments shall be the following percentage of the tax	Each of the last 2 installments shall be the following percentage of the tax
On or after—	And before—		
Dec. 31, 1950	Dec. 31, 1951	30	20
Dec. 31, 1951	Dec. 31, 1952	35	15
Dec. 31, 1952	Dec. 31, 1953	40	10
Dec. 31, 1953	Dec. 31, 1954	45	5

(B) *Taxable years ending on or after December 31, 1954.* The taxpayer may elect with respect to any taxable year ending on or after December 31, 1954, to pay the tax in two equal installments.

(3) *Dates for installment payments*—(A) *Four installments.* In any case in which the tax may be paid in four installments, the first installment shall be paid on the date prescribed for the payment of the tax by the taxpayer, the second installment shall be paid on the 15th day of the third month, the third installment on the 15th day of the sixth month, and the fourth installment on the 15th day of the ninth month, after such date.

(B) *Two installments.* In any case in which the tax may be paid in two installments, the first installment shall be paid on the date prescribed for the payment of the tax by the taxpayer, and the second installment shall be paid on the 15th day of the third month after such date.

(4) *Requirement for payment.* If any installment is not paid on or before the date fixed for its payment, the whole of the tax unpaid shall be paid upon notice and demand from the collector.

(b) *Filing of returns and payment of tax by fiduciaries of estates and trusts.* * * *

(2) Section 56 (a) (relating to time for payment of tax) is hereby amended by inserting before the period at the end thereof the following: ", except that in the case of the tax imposed on an estate or trust the tax shall be paid on the fifteenth day of April following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on the fifteenth day of the fourth month following the close of the fiscal year".

(3) The amendments made by this subsection shall be applicable only with respect to taxable years ending after the date of the enactment of this act.

PAR. 7. Section 29.56–1, as amended by Treasury Decision 5816, is further amended as follows:

A. By striking out so much of such section as precedes the first sentence and by inserting in lieu thereof the following:

§ 29.56–1 *Date on which tax shall be paid*—(a) *Taxable years ending before December 31, 1950.* The provisions of this paragraph shall apply only with respect to taxable years ending before December 31, 1950. * * *

B. By adding at the end thereof the following:

Notwithstanding the preceding provisions of this paragraph, in the case of an estate or trust the taxable year of which ends after September 23, 1950, the tax shall be paid on or before the 15th day of the fourth month following the close of such year, or, if paid in installments, shall be paid in equal installments on or before such date and on or before the 15th day of the third, sixth, and ninth month following such date.

(b) *Taxable years ending on or after December 31, 1950*—(1) *In general.* (i) With respect to taxable years ending on or after December 31, 1950, the tax, unless it is required to be withheld at the source under section 1622, is to be paid on or before the 15th day of March following the close of the calendar year, or, if the return is made on the basis of a fiscal year, on or before the 15th day of the third month following the close of such fiscal year. See, however, subparagraph (2) of this paragraph with respect to estates and trusts.

(ii) In any case in which an individual taxpayer is entitled to elect, and does so elect, to file as his return Form 1040A, as provided in § 29.51–2, the amount of the tax determined by the collector is to be paid within 30 days after the date of mailing by the collector to the taxpayer of a notice stating the amount payable by the taxpayer and making demand upon the taxpayer therefor.

(iii) In the case of a return (other than a return by a nonresident alien individual who does not have wages subject to withholding under section 1622 or a nonresident foreign corporation) for a fractional part of a year, the tax is to be paid on or before the last day prescribed for the filing of the return (see § 29.53–1). But see § 29.53–3.

(iv) For the time of payment of tax by a nonresident alien individual (except a bona fide resident of Puerto Rico subject to the provisions of section 220) who does not have wages subject to withholding under section 1622, see section 218. In the case of a nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year and thus subject to the provisions

of section 220, the tax for taxable years beginning after December 31, 1950, is to be paid at the time provided in the case of United States citizens and residents.

(v) For the time of payment of tax by a nonresident foreign corporation, see section 236.

(2) *Estates and trusts.* In the case of the tax imposed upon an estate or trust, the tax shall be paid on or before the 15th day of April following the close of the calendar year, or, if the return is made on the basis of a fiscal year, on or before the 15th day of the fourth month following the close of the fiscal year.

(3) *Installment payments*—(i) *Estates of decedents.* With respect to estates of decedents, the fiduciary may elect to pay the tax in four equal installments, instead of in a single payment, in which case the first installment shall be paid on or before the date prescribed for the payment of the tax as a single payment, the second installment shall be paid on or before the 15th day of the third month, the third installment on or before the 15th day of the sixth month, and the fourth installment on or before the 15th day of the ninth month, after such date.

(ii) *Corporations; taxable years ending before December 31, 1954.* With respect to taxable years of corporations ending on or after December 31, 1950, and before December 31, 1954, the taxpayer may elect to pay the tax in four installments, and in such case the amount of the tax paid by each installment shall be as follows:

If the taxable year ends—		Each of the first 2 installments shall be the following percentage of the tax	Each of the last 2 installments shall be the following percentage of the tax
On or after—	And before—		
Dec. 31, 1950	Dec. 31, 1951	30	20
Dec. 31, 1951	Dec. 31, 1952	35	15
Dec. 31, 1952	Dec. 31, 1953	40	10
Dec. 31, 1953	Dec. 31, 1954	45	5

The first installment shall be paid on or before the date prescribed for the payment of the tax as a single payment, the second installment shall be paid on or before the 15th day of the third month, the third installment on or before the 15th day of the sixth month, and the fourth installment on or before the 15th day of the ninth month, after such date.

(iii) *Corporations; taxable year ending on or after December 31, 1954.* With respect to taxable years of corporations ending on or after December 31, 1954, the taxpayer may elect to pay the tax in two equal installments, in which case the first installment shall be paid on or before the date prescribed for the payment of the tax as a single payment and the second installment on or before the 15th day of the third month after such date.

(iv) *In general.* If the taxpayer elects to pay the tax in installments, any installment may be paid, at the election of the taxpayer, prior to the date prescribed for its payment. If an installment is not paid in full on or before the date fixed for its payment either by the Internal Revenue Code or by the Commissioner in accordance with the terms of an extension, the whole amount of the tax unpaid shall be paid upon notice and demand from the collector.

In the case of taxpayers other than estates of decedents, and other than corporations, the privilege of installment payments of the tax does not apply with respect to taxable years ending on or after December 31, 1950.

PAR. 8. There is inserted immediately preceding § 29.143–1 the following:

SEC. 219. PAYMENT OF TAX WITHHELD AT SOURCE FROM NONRESIDENT ALIENS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The first sentence of section 143 (c) is hereby amended to read as follows: "Every person required to deduct and withhold any tax under this section shall, on or before March 15 of each year, make return thereof and pay the tax to the collector designated in section 53 (b)."

PAR. 9. Section 29.143–7 is amended by striking out the first sentence of the third paragraph and by inserting in lieu thereof the following: "In every case the tax withheld during a calendar year prior to the calendar year 1950 must be paid to the collector on or before June 15 of the following year. In every case the tax withheld during a calendar year subsequent to the calendar year 1949 must be paid on or before March 15 of the following year."

[F. R. Doc. 51–6518; Filed, June 5, 1951; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Geological Survey

NORTH UMPQUA RIVER, OREGON

POWER SITE CLASSIFICATION NO. 416

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of sec. 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (16 U. S. C. 818):

WILLAMETTE MERIDIAN, OREGON

T. 26 S., R. 2 W.,
Sec. 14, S½ (except S½S½SE¼SE¼);
Sec. 22, N½;
Sec. 24, N½.

The area described aggregates 950 acres.

THOMAS B. NOLAN,
Acting Director.

Dated: May 29, 1951.

[F. R. Doc. 51–6487; Filed, June 5, 1951; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 60]

DAVID D. DONIGER & CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, David D. Doniger & Co., Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special Provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's and boys' sportswear distributed by David D. Doniger & Co., Inc., 303 Fifth Avenue, New York 16, N. Y., (hereafter called the "wholesaler") having the brand names "McGregor," "Prep McGregor," and "Wee McGregor" and described in Exhibit "A" of the wholesaler's application dated

March 9, 1951. The wholesaler's prices listed below carry terms of 2/10 Net 30.

MEN'S SHIRTS

Wholesaler's selling price (per dozen)	*Ceiling price at retail (per unit)*
$25.50	$3.50
30.00	3.95
36.00	5.00
42.84	5.95
49.92	6.95
54.00	7.50
57.00	7.95
64.80	8.95
72.00	10.00
79.20	10.95
90.00	12.50
93.00	12.95
108.00	15.00
122.04	16.95
144.00	19.95

BOYS' SPORTSHIRTS

$22.50	$2.95
25.50	3.50
30.00	3.95
36.00	4.95
42.84	5.95
49.92	6.95
57.00	7.95
86.40	11.95
93.00	12.95
97.20	13.50
108.00	14.95

MEN'S LEISURE COATS

Wholesaler's selling price (per unit)	*Ceiling price at retail (per unit)*
$10.80	$17.50
15.90	26.50
16.50	27.50

MEN'S OUTERWEAR

$4.75	$7.95
6.75	10.95
7.20	11.95
7.80	12.95
8.40	13.95
9.00	15.00
9.60	15.95
10.20	16.95
10.80	17.95
13.80	22.95
15.60	25.95
17.10	28.50
27.00	45.00
30.00	49.95
42.00	69.95

MEN'S LEATHER JACKETS

$7.80	$12.95
24.00	39.95
26.50	44.50
27.00	45.00
29.75	50.00

MEN'S ENSEMBLES

$7.20	$11.95
7.75	12.95
8.35	13.95

MEN'S HOSE

Wholesaler's selling price (per dozen)	*Ceiling Price at retail (per unit)*
$10.50	$1.50
15.00	1.95
22.50	2.95

MEN'S SPORT SUITS

Wholesaler's selling price (per unit)	*Ceiling price at retail (per unit)*
$19.50	$32.50
22.50	37.50
24.00	39.95
25.50	42.50

MEN'S SPORT COATS

Wholesaler's selling price (per unit)	*Ceiling price at retail (per unit)*
$10.20	$16.95
13.80	22.95
15.00	25.00
16.50	27.50
18.00	29.95
19.50	32.50
21.00	35.00
22.50	37.50
24.00	39.95

MEN'S VESTS

$5.40	$8.95
6.00	10.00

MEN'S SLACKS

$4.15	$6.95
4.75	7.95
6.00	10.00
6.60	10.95
7.20	11.95
7.75	12.95
8.40	13.95
9.00	15.00
9.60	15.95
10.20	16.95
10.80	17.95
11.37	18.95
12.00	19.95
12.60	20.95
13.20	21.95
13.80	22.95
14.40	23.95
15.00	25.00

BOYS' SLACKS

$6.90	$11.50
7.20	11.95
7.75	12.95
8.35	13.95
9.00	14.95

MEN'S SPORT COATS

$9.60	$15.95
12.00	19.95
13.50	22.50
14.40	23.95
17.40	28.95
19.50	32.50

BOYS' OUTERWEAR JACKETS

$5.10	$8.50
6.00	9.95
6.60	10.95
7.20	11.95
8.35	13.95
9.00	14.95
11.50	18.95
13.80	22.95
16.50	27.50
19.50	32.50

MEN'S SWEATERS

Wholesaler's selling price (per dozen)	*Ceiling price at retail (per unit)*
$30.00	$3.95
36.00	5.00
42.00	5.95
49.92	6.95
57.00	7.95
64.44	8.95
72.00	10.00
79.20	10.95
90.00	12.50
97.20	13.50
108.00	15.00
136.20	18.95

MEN'S CAPS

$10.80	$1.50
14.50	2.00
18.00	2.50
22.50	2.95
25.50	3.50

MEN'S KNIT SHIRTS

Wholesaler's selling price (per dozen)	*Ceiling price at retail (per unit)*
$9.25	$1.25
15.00	2.00
18.00	2.50
22.50	2.95
25.20	3.50
28.80	3.95
42.00	5.95

MEN'S SWIM AND PLAYWEAR—SHORTS AND WALKERS

$22.50	$2.95
25.50	3.50
30.00	3.95
36.00	5.00
42.84	5.95
48.00	6.95
57.00	7.95
64.44	8.95
72.00	10.00
108.00	15.00

BOY'S SWIMWEAR

$15.00	$1.95
18.00	2.50
22.50	2.95
25.50	3.50
30.00	3.95
36.00	4.95

BOYS' KNIT SHIRTS

$7.75	$1.00
10.50	1.50
11.50	1.65
15.00	1.95
16.50	2.25
18.00	2.50
21.75	2.95
28.80	3.95

BOYS' CAPS

$10.50	$1.50

BOYS' SWEATERS

$25.50	$3.50
30.00	3.95
36.00	4.95
42.00	5.95
48.00	6.95
66.00	8.95
79.20	10.95

2. All of the items listed in this paragraph carry terms of 2/10 Net 30.

(a) Men's shirts having the names:

Pin Lawn S. S.
Conga Cool S. S.
Sudan Cool S. S.
Nile Cool S. S.
Linbreeze S. S.
Linsweep S. S.
Pinlawn S. S.
Laguna Mesh S. S.
Arctic Breeze S. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $28.80 per dozen, shall have a ceiling price at retail of $3.95 per unit.

(b) Men's shirts having the names:

Sun O'Celtic L. S.
Pompeii L. S.
Golden King Popover L. S.
Polka Mist S. S.
Eden Mist S. S.
King Fisher Popover
Belfast S. S.
Scotlin S. S.
Biscayne S. S.
Tropez S. S.
Magnolia S. S.
Sunny Isle L. S.
Tonga L. S.
Rangoon L. S.

Sun Jewel L. S.
Royal Navy S. S.
Royal Family S. S.
Coffee Royal Viva S. S.
Coffee Royal S. S.
Oahu S. S.
Thorobred S. S.
Haitian S. S.
Marengo S. S.
Ramapo S. S.
Silduka S. S.
Aqua Duck L. S.
Shadow Shark S. S.
Keats L. S.
Needlepoint L. S.
Educated Denim Gull Popover.
Educated Denim Sloop Popover.
Educated Denim Hugger S. S.
Sun Royal S. S.
Sun Royal Viva S. S.
Deep Royal S. S.
Deep Royal Viva S. S.
Aqua S. S.
Morocco S. S.
Royal Crest S. S.
Educated Denim Helm Popover.
Magador S. S.
Sahara S. S.
Black Palm S. S.
Haitian S. S.
Acapulco S. S.
Thorobred S. S.
Palermo S. S.
Panaloha S. S.
Palermo Viva S. S.
Natureboy '51 S. S.
Saddlefit L. S.
Gould PO L. S.
Heel & Toe L. S.
Viva Point L. S.
Grand March L. S.
Grand March Pop. L. S.
Corn Crib L. S.
Foam Royal S. S.
Buffalo Boy L. S.
Conga Hugger S. S.
Morocco S. S.
Siltung S. S.
Isle of Palms L. S.
Boca Raton S. S.
Maui L. S.
Zanzibar L. S.
Brittanic L. S.
Star of the South Seas S. S.
Orlando S. S.
Nelson S. S.
Achilles S. S.
Ports Mist S. S.
Bamboo Mist S. S.
Bolton S. S.
Chamcool L. S.
End Cool L. S.
Vagabond S. S.
Joseph's Coat L. S.
Golden Slippers L. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $42 per dozen, shall have a ceiling price at retail of $5.95 per unit.

(c) Men's shirts having the names:

Educated Denim Cuba Libra S. S.
Terry Sea Gull S. S.
Tahiti S. S.
Tahiti Viva S. S.
Stars of the Pacific S. S.
Real Leadbeater Hug. S. S.
Ice Tartan Viva P. O. S. S.
Silduka L. S.
Shadow Shark L. S.
Joseph's Ct. Hugger L. S.
Deep Royal L. S.
Sun Royal L. S.
Palermo L. S.
Biscayne L. S.
Magnolia L. S.
Royal Navy L. S.
Coffee Royal L. S.
Ramapo L. S.
Bridgewater L. S.
Corsica L. S.
Granville L. S.
Rockville L. S.
Thorobred L. S.
Tropez L. S.
Educated Sail Cloth Barnacle S. S.
Haitian L. S.
Star of the South Seas L. S.
Royal Family L. S.
Lei He Patio S. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $48.00 per dozen, shall have a ceiling price at retail of $6.95 per unit.

(d) Men's shirts having the names:

Managua L. S.
Nylon Sea S. S.
Nylon Boat S. S.
Wispcord Shirt L. S.
Golden Gate Bahama S. S.
Swordfish Bahamas S. S.
Candle Glo L. S.
Candle Glo Slipover.
Glen Roy Slipover Shirt L. S.
Nylon Breeze L. S.
Aloha Bahama S. S.
Terry Palm Coconut Slipover S. S.
Nylcord Comfortable L. S.
Chateau Comfortable L. S.
Ice Tattersall Play Shirt.
Nylon Mariner S. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $64.44 per dozen, shall have a ceiling price at retail of $8.95 per unit.

(e) Boys sportshirts having the names:

Wee Cuba S. S.
Wee Sudan Cool S. S.
Wee Chili Cool S. S.
Wee Lynbreeze S. S.
Wee Bahama Breeze

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $21.75 per dozen, shall have a ceiling price at retail of $2.95 per unit.

(f) Boys' sportshirts having the names:

Prep Puerto Rico S. S.
Prep Cactus S. S.
Prep Samba Pop S. S.
Prep Lynbrook S. S.
Prep Sun O'Celtic S. S.
Prep India Madras Pop S. S.
Prep Bonnie Banks Pop S. S.
Prep Barn Dance Pop S. S.
Prep Golden Slippers Pop S. S.
Prep Heel & Toe Pop S. S.
Prep Double Wheel Pop S. S.
Prep Texas Twister Pop S.S.
Prep Buffalo Boy Pop S.S.
Prep Grand March Pop S. S.
Prep Figure 8 Pop S.S.
Prep Highland Fling Pop S. S.
Prep Bonnie Whirl Pop S.S.
Prep Corn Crib Pop S.S.
Prep Spotted Tiger S. S.
Prep Hawaiian Ginger S. S.
Prep Joseph's Coat Popover S. S.
Prep Champagne S. S.
Prep Sandspoint S. S.
Wee Fieldgoal L. S.
Wee Brittanic S. S.
Wee Isle of Palms S. S.
Wee Sunny Isle S. S.
Wee Boca Raton S. S.
Wee Tonga S. S.
Wee Maui S. S.
Wee Zanzibar S. S.
Wee Rangoon S. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $28.80 per dozen, shall have a ceiling price at retail of $3.95 per unit.

(g) Boys' sportshirts having the names:

Wee Gould Pop L. S.
Wee Golden King Pop L. S.
Wee Brittanic L. S.
Wee Isle of Palms L. S.
Wee Sunny Isles L. S.
Wee Boca Raton L. S.
Wee Tonga L. S.
Wee Maui L. S.
Wee Zanzibar L. S.
Wee Rangoon L. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $34.50 per dozen, shall have a ceiling price at retail of $4.95 per unit.

(h) Boys sportshirts having the names:

Prep Tahita Viva S. S.
Prep Chaucer Pop S. S.
Prep Tahita S. S.
Wee Real Toucan Pop L. S.
Wee Real Leadbeater Hug. S. S.
Wee Real Macaw Pop L. S.
Wee Amazon Pop L S.
Wee Trojan Pop L. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $42.00 per dozen, shall have a ceiling price at retail of $5.95 per unit.

(i) Boys' sportshirts having the names:

Prep Flowers Unlimited Viva.
Prep Flowers Unlimited S. S.
Prep Managua S. S.
Wee Real Toucan Slip L. S.
Wee Real Leadbeater Hug. L. S.
Wee Real Lorry Hug. L. S.
Wee Chaucer Popover L. S.
Wee Hancock Sweepshirt L. S.
Wee Tatterkeet Hug. L. S.
Wee Gulls Unlimited L. S.
Wee Gulls Unlimited Pop L. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $48.00 per dozen, shall have a ceiling price at retail of $6.95 per unit.

(j) Men's outerwear having the names:

Heathcote Blouse.
Maharajah Golf Jacket.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $7.75 per unit, shall have a ceiling price at retail of $12.95 per unit.

(k) Men's sweaters having the names:

Bonnie Lane S. L.
Scotlon S. L.
Pinehurst S. L.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $48.00 per dozen, shall have a ceiling price at retail of $6.95 per unit.

(l) Men's sweaters having the names:

Yorkshire Giant.
Humishire Giant.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $60.00 per

dozen, shall have a ceiling price at retail of $8.95 per unit.

(m) Men's sweaters having the name:

Kashmir S. L.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $96.00 per dozen, shall have a ceiling price at retail of $13.50 per unit.

(n) Men's caps having the names:

Ice Tattersall Pro.
Ice Tartan Pro Cap.
Ice Madras Pro Cap.
Celtic Pro Cap.
Celtic Punjab.
India Pro Cap.
Dry Sack Pro.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $21.75 per dozen, shall have a ceiling price at retail of $2.95 per unit.

(o) Men's Knit Shirts having the name:

McSpencer

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $9.00 per dozen, shall have a ceiling price at retail of $1.25 per unit.

(p) Men's knit shirts having the names:

Flight Way.
On The Wing.
Winged Flight.
Golden Gate Terry P. O.
Aloha Terry P. O.
Paradise Flower Terry P. O.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $21.00 per dozen, shall have a ceiling price at retail of $2.95 per unit.

(q) Men's knit shirts having the names:

Saco.
Lagoa Fire.
Lana.
Santo Bara.
McTerry.
Fiery Phantom.
Laguna Fire.
Hoot Mon Knit.
Yogi Knit.
Wingdale.
Bo Sun.
Robin Cru Lust.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $21.75 per dozen, shall have a ceiling price at retail of $2.95 per unit.

(r) Men's swim and play wear having the name:

Lastex Breezer Trunks

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $24.00 per dozen, shall have a ceiling price at retail of $3.50 per unit.

(s) Men's swim and play wear having the names:

Sahara Breezer.
Sahara Reef.
Drizzler Reefs.
Sand Bag Gab Boxer.
Spotted Tiger Reefs.
Hawaiian Ginger Reefs.
Aqua Boxer.
Barbados Breezer.
Spotted Tiger Breezer.
Spotted Tiger Hawaiian.
Bonnie Banks Reef.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $28.80 per dozen, shall have a ceiling price at retail of $3.95 per unit.

(t) Men's swim and play wear having the names:

Golden Gate Boxer.
Aloha Boxer.
Flowers Unlimited Boxer.
Flowers Unltd. Cabana Hawaiian.
Aussie All Sport.
Stars of the Pacific Boxer.
Sword Fish Boxer.
Managua Boxer.
Managua Cabana Hawaiian.
Haitian Boxer.
Thorobred Boxer.
Palermo Boxer.
Tahiti Boxer.
Tahiti Cabana Hawaiian.
Sun Royal Boxer.
Deep Royal Boxer.
Royal Navy Boxer.
Nylon Sea Boxer.
Nylon Boat Boxer.
Educated Sailcloth Jumpin Short.
Nassau Stroller.
Celtic St. Andrews.
Wingfoot.
Giants Drizzler Boxer.
Sand and Turf Boxer.
Nylcord Walker.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $42.00 per dozen, shall have a ceiling price at retail of $5.95 per unit.

(u) Boys' swimwear having the names:

Prep Whippet.
Prep Camper.
Prep Gabadier.
Wee Nyltone.
Wee Zealander.
Wee Drizzler Reefs.
Wee Aqua Short.
Wee Nature Boy '51 Lastex.
Wee Barbados Short.
Wee Spotted Tiger Short.
Wee Hawaiian Ginger Short.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $21.75 per dozen, shall have a ceiling price at retail of $2.95 per unit.

(v) Boys' swimwear having the names:

Prep Golden Gate Short.
Prep Aloha Short.
Prep Paradise Flower Short.
Prep Swordfish Short.
Prep Black Palms Tight.
Prep Sahara Short.
Prep Barbados Breezer.
Prep Magador Short.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $28.80 per dozen, shall have a ceiling price at retail of $3.95 per unit.

(w) Boys' knit shirts having the name:

Wee Dale S. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $7.50 per dozen, shall have a ceiling price at retail of $1.00 per unit.

(x) Boys' knit shirts having the name:

Wee Mallard Knit S. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $14.50 per dozen, shall have a ceiling price at retail of $1.95 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the wholesaler after the effective date of this special order.

4. On and after July 5, 1951, David D. Doniger & Co., Inc., must mark each article listed in paragraphs 1, 2, 2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 2 (f), 2 (g), 2 (h), 2 (i), 2 (j), 2 (k), 2 (l), 2 (m), 2 (n), 2 (o), 2 (p), 2 (q), 2 (r), 2 (s), 2 (t) 2 (u), 2 (v), 2 (w), and 2 (x) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2, 2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 2 (f), 2 (g), 2 (h), 2 (i), 2 (j), 2 (k), 2 (l), 2 (m), 2 (n), 2 (o), 2 (p), 2 (q), 2 (r), 2 (s), 2 (t), 2 (u), 2 (v), 2 (w), and 2 (x) of this special order or changes the retail ceiling price of a listed article, David D. Doniger & Co., Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the wholesaler shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the wholesaler had delivered any article covered in paragraphs 1, 2, 2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 2 (f), 2 (g), 2 (h), 2 (i), 2 (j), 2 (k), 2 (l), 2 (m), 2 (n), 2 (o), 2 (p), 2 (q), 2 (r), 2 (s), 2 (t), 2 (u), 2 (v), 2 (w), and 2 (x) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the spe-

cial order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the wholesaler shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the wholesaler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6551; Filed, June 4, 1951; 8:55 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 61]

NEW YORK KNITTING MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, New York Knitting Mills, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of wool sweaters manufactured by New York Knitting Mills, Inc., 1410 Broadway, New York 18, New York, having the brand name "Valcuna" and described in the manufacturer's application, dated March 6, 1951. The manufacturer's prices listed below are subject to a discount of 8/10 ECM.

WOOL SWEATERS

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$30.00	$3.95
33.00	4.50
36.00	4.95
40.50	5.50
43.50	5.95
48.00	6.50
51.00	6.95
57.00	7.95
63.00	8.95
72.00	9.95
78.00	10.95
84.00	11.95
93.00	12.95
99.00	13.95
108.00	14.95
114.00	15.95
120.00	16.95
129.00	17.95

2. Wool sweaters bearing the item numbers 0180, 12252, and 3239 in the manufacturer's application dated March 6, 1951, so long as they have a manufacturer's selling price of $42.00 per dozen shall have a ceiling price at retail of $5.95 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 5, 1951, New York Knitting Mills, Inc., must mark each article listed in paragraphs 1 and 2 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1 and 2 of this special order or changes the retail ceiling price of a listed article, New York Knitting Mills, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1 and 2 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6552; Filed, June 4, 1951; 8:55 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 62]

H. DAROFF & SONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, H. Daroff & Sons, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's clothing manufactured by H. Daroff & Sons, Inc., 2300 Walnut Street, Philadelphia 3, Pennsylvania, having the brand name "Botany '500' Brand, Tailored by Daroff" and described in the manufacturer's application dated March 21, 1951. The manufacturer's prices listed below carry terms of Net 30.

SUITS AND TOPCOATS

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$11.00	$18.50
11.75	19.75
13.25	22.50
22.50	37.50
24.00	40.00
30.00	50.00
32.50	55.00
39.00	65.00
41.00	69.50

2 (a) Suits having the name "Summer Tweeds" in the manufacturer's application dated March 21, 1951, so long as they have a manufacturer's selling price of $29.25 per unit, shall have a ceiling price at retail of $50.00 per unit. This price carries terms of Net 30.

(b) Suits and topcoats having the names "Flannels," "Shetlands," and "Shetland Topcoats" in the manufacturer's application dated March 21, 1951, so long as they have a manufacturer's selling price of $38.00 per unit, shall have a ceiling price at retail of $65.00 per unit. This price carries terms of Net 30.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 5, 1951, H. Daroff & Sons, Inc., must mark each article listed in paragraphs 1, 2 (a) and 2 (b) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a) and 2 (b) of this special order or changes the retail ceiling price of a listed article, H. Daroff & Sons, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1, 2 (a) and 2 (b) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6553; Filed, June 4, 1951; 8:55 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 63]

COLE OF CALIFORNIA, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Cole of California, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period.

This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of swimsuits, beachwear, and sportswear for women and children manufactured by Cole of California, Inc., 2615 Fruitland Road, Los Angeles 58, California, having the brand name "Cole of California" and described in the manufacturer's application, dated March 29, 1951. The manufacturer's prices listed below carry terms of 8/10 EOM.

SWIMSUITS, BEACHWEAR AND SPORTSWEAR

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$1.75	$2.95
2.10	3.50
2.50	3.95
3.00	4.95
3.60	5.95
4.20	6.95
4.75	7.95
5.25	8.95
6.00	9.95
6.75	10.95
7.75	12.95
8.75	14.95
9.75	16.95
10.75	17.95
11.75	19.95
12.75	22.95
14.75	25.00
16.75	29.95
19.75	35.00
39.75	75.00

2 (a) "Cole of California" items having style numbers G 30, Y 448, Y 19, Y 25, Y 36, and Y 47 in the manufacturer's price list in the manufacturer's application, dated March 29, 1951, as supplemented by letter dated May 4, 1951, so long as they have a manufacturer's selling price of $3.50 per unit, shal have a ceiling price at retail of $5.95 per unit, subject to the terms set forth in paragraph 1 above.

(b) "Cole of California" items having style numbers 303, G 28, G 29, G 44, G 8100, G 8300, Y 33, Y 48, Y 54, and Y 8200 in the manufacturer's price list in the manufacturer's application dated March 29, 1951, as supplemented by letter dated May 4, 1951, so long as they have a manufacturer's selling price of $4.00 per unit, shall have a ceiling price at retail of $6.95 per unit, subject to the terms set forth in paragraph 1 above.

(c) "Cole of California" item having the style number 40 in the manufacturer's price list in the manufacturer's application dated March 29, 1951, as supplemented by letter dated May 4, 1951, so long as it has a manufacturer's selling price of $4.50 per unit, shall have a ceiling price at retail of $7.95 per unit, subject to the terms set forth in paragraph 1 above.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 5, 1951, Cole of California, Inc., must mark each article listed in paragraphs 1, 2 (a), 2 (b), and 2 (c) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a), 2 (b), and 2 (c) of this special order or changes the retail ceiling price of a listed article, Cole of California, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1, 2 (a), 2 (b) and 2 (c) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6554; Filed, June 4, 1951; 8:56 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 64]

PREMIER KNITTING CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Premier Knitting Co., Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of cashmere sweaters manufactured

by Premier Knitting Co., Inc., 1410 Broadway, New York 18, N. Y., having the brand name "Premier" and described in the manufacturer's application, dated April 20, 1951. The manufacturer's prices listed below carry terms of 8/10 EOM.

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$9.20	$15.95
10.25	16.95
11.60	19.95

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 5, 1951, Premier Knitting Co., Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Premier Knitting Co., Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6555; Filed, June 4, 1951; 8:56 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 65]

JOHN B. STETSON CO., MALLORY DIVISION

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, John B. Stetson Company, Mallory Division, Philadelphia 22, Pennsylvania, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of men's hats, manufactured by John B. Stetson Company, Mallory Division, having the brand name(s) "Mallory", "Emerson", "Wilson", "University Club", "Burton Taylor", Kensington", shall be the proposed retail ceiling prices listed by John B. Stetson Company, Mallory Division, in its application dated March 22, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 5, 1951, John B. Stetson Company, Mallory Division, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, John B. Stetson Company, Mallory Division, must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting

provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per _____{unit. dozen. etc.}

Terms _____ (net or percent EOM, etc.) $_____;

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6556; Filed, June 4, 1951; 8:56 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 66]

JOHN B. STETSON CO., INC., MILLINERY DIVISION

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, John B. Stetson Company, Incorporated, Millinery Division, Philadelphia 22, Pennsylvania, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of women's hats manufactured by John B. Stetson Company, Incorporated, Millinery Division, having the brand name(s) "Stetson" and "Mallory", shall be the proposed retail ceiling prices listed by John B. Stetson Company, Incorporated, Millinery Division, in its application dated March 22, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 5, 1951, John B. Stetson Company, Incorporated, Millinery Division, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, John B. Stetson Company, Incorporated, Millinery Division, must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per _____{unit. dozen. etc.}

Terms _____ (net or percent EOM, etc.) $_____;

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6557; Filed, June 4, 1951; 8:57 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 67]

CHESTER H. ROTH CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Chester H. Roth Co., Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of socks and stockings distributed by Chester H. Roth Co., Inc., 389 Fifth Avenue, New York 16, N. Y. (hereafter called the "wholesaler"), having the brand names "Esquire Socks," "Fruit of the Loom Socks," and "Schiaparelli Stockings" and described in Schedules "A", "B", and "C" attached to the wholesaler's application dated April 19, 1951.

ESQUIRE SOCKS

[The wholesaler's selling prices carry terms of net 30]

Wholesaler's selling price (per dozen pairs)	Ceiling price at retail (per pair)	Ceiling price at retail (per 2 pairs)
$3.90	$0.55	
4.35	.65	$1.25
5.15	.75	
5.95	.85	
7.25	1.00	
7.70	1.10	
8.50	1.25	
10.50	1.50	
12.50	1.75	
14.00	1.95	
21.00	2.95	
24.50	3.50	
28.50	3.95	
32.50	4.50	

FRUIT OF THE LOOM SOCKS

[The wholesaler's selling prices carry terms of net 30]

Wholesaler's selling price (per dozen pairs)	Ceiling price at retail (per pair)	Ceiling price at retail (per 3 pairs)
$1.80	$0.25	
2.25	.29	$0.85
3.00	.39	1.15
4.25	.59	1.75
5.25	.69	2.05
8.75	1.19	
10.50	1.49	
16.50	2.29	

SCHIAPARELLI STOCKINGS

[The wholesaler's selling prices carry terms of net 10 EOM, f. o. b. mill]

Wholsaler's selling price (per dozen pairs)	Ceiling price at retail (per pair)	Ceiling price at retail (per 2 pairs)	Ceiling price at retail (per 3 pairs)
$14.00	$2.00	$3.90	$5.85

2 (a) Fruit of the Loom Socks having the style names or numbers Stroller, Crew, Comet, Good Luck, Personalized, Bobby, Scotty, 4 Square, T Sox, Lil Abner, FL-711S, FL-711, Athlete, Sports C, Sports D, Sports F, Sports G, Toddler and Creeper in the wholesaler's application dated April 19, 1951, so long as they have a wholesaler's selling price of $2.87½ per dozen pairs, shall have a ceiling price at retail of $.39 per pair and $1.15 per 3 pairs.

(b) Fruit of the Loom socks having the style names or numbers FL 400-S, FL-6040, and Grandstand in the wholesaler's application dated April 19, 1951, so long as they have a wholesaler's selling price of $5.00 per dozen pairs, shall have a ceiling price at retail of $.69 per pair and $2.05 per 3 pairs.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 5, 1951, Chester H. Roth Co., Inc., must mark each article listed in paragraphs 1, 2 (a) and 2 (b) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting requirements of the regulations which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a) and 2 (b) of this special order or changes the retail ceiling price of a listed article, Chester H. Roth Co., Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the wholesaler shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the wholesaler had delivered any article covered in paragraphs 1, 2 (a) and 2 (b) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the wholesaler shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the whole-

saler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6558; Filed, June 4, 1951; 8:57 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 68]

WILLIAM HOLLINS & CO., LTD., AND WILLIAM HOLLINS & CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicants named in the accompanying special order, William Hollins & Company, Ltd., and William Hollins & Company, Inc., have applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of their articles. Applicants have submitted the information required under this section and have produced evidence which in the judgment of the Director indicates that the applicants have complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicants that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicants with the retail ceiling price established by the accompanying special order. The applicants are required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicants to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicants have delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of Viyella products manufactured by William Hollins & Company, Ltd., 347 Madison Avenue, New York 17, N. Y., having the brand name "Viyella" and described in the manufacturer's application dated April 7, 1951. The manufacturer's prices listed below are sold at a discount of 2/10 Net 60 if invoiced in United States currency, or 2½/60 if invoiced in English currency.

VIYELLA FABRICS

Manufacturer's selling price (per yard)	*Ceiling price at retail (per yard)*
$1.30	$2.35
1.37	2.50
1.51	2.75
1.79	3.25

(a) The item designated as "T. Viyella Cream" in the manufacturer's price list marked Exhibit V in the manufacturers' application, so long as it has a manufacturer's selling price of $1.26 per yard, shall have a ceiling price at retail of $2.35 per yard, subject to the discounts enumerated in paragraph 1 above.

(b) The item designated as "Viyella Printed" in the manufacturer's price list marked Exhibit V in the manufacturers' application, so long as it has a manufacturer's selling price of $1.48 per yard, shall have a ceiling price at retail of $2.75 per yard, subject to the discounts enumerated in paragraph 1 above.

2. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of Viyella products manufactured by William Hollins & Company, Inc., 347 Madison Avenue, New York 17, New York, having the brand name "Viyella" and described in the manufacturer's application, dated April 7, 1951. The manufacturer's prices listed below are sold at a discount of 2/10—Net 60 if invoiced in United States currency, or 2½/60 if invoiced in English currency.

FABRICS

Manufacturer's selling price (per yard)	*Ceiling price at retail (per yard)*
$1.40	$2.35
1.50	2.50
1.60	2.75
1.90	3.25

MEN'S SPORT SHIRTS

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$86.00	$12.50
104.00	15.00
118.00	16.50

MEN'S ROBES

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$15.00	$25.00
17.00	28.50

MEN'S PAJAMAS

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$145.00	$20.50
158.00	22.95
190.00	27.50

BOYS' SPORT SHIRTS

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$72.00	$9.95

3. The retail ceiling price of an article stated in paragraphs 1 and 2 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturers after the effective date of this special order. This does not apply to the specific items enumerated in paragraphs 1 (a) and 1 (b) above.

4. On and after July 5, 1951, Williams Hollins & Company, Ltd., and William Hollins & Company, Inc., must mark each article listed in paragraphs 1, 1 (a), 1 (b), and 2 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 1 (a), 1 (b), and 2 of this special order or changes the retail ceiling price of a listed article, William Hollins & Company, Ltd., and William Hollins & Company, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturers shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturers had delivered any article covered in paragraphs 1, 1 (a), 1 (b), and 2 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturers shall send a copy of the

amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturers shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which they have delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6559; Filed, June 4, 1951; 8:57 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 69]

JERKS SOCKS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Jerks Socks, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's hosiery manufactured by Jerks Socks, Inc., 2612 Gilbert Avenue, Cincinnati 6, Ohio, having the brand name "Jerks Socks," and described in the manufacturer's application dated March 12, 1951. The manufacturer's prices listed below carry terms of Net 30.

MEN'S HOSIERY

Manufacturer's selling price (per dozen pairs)	*Ceiling price at retail (per pair)*
$3.90	$0.55
4.40	.65
5.25	.75
7.25	1.00
8.85	1.25
21.00	2.95

2. Men's hosiery having the style identifications Doggy Clock 620, Swg 621, Arg 622, EC 623, EC 624, Swg 625, Arg 626, Doggy Clock 627, Swg 628, Swg 629, Gym Sock, D 66, Con 67, Con 231, J 236, J 550, D 55, Con 240, J 245, Swa 545 MT, DC 502 ST, DC 544 MT, in the manufacturer's application dated March 12, 1951, so long as they have a manufacturer's selling price of $4.35 per dozen pairs, shall have a ceiling price at retail of $.65 per pair. The manufacturer's prices carry terms of Net 30.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 5, 1951, Jerks Socks, Inc., must mark each article listed in paragraphs 1 and 2 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR7
Price $--------

On and after August 4, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 4, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulations which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1 and 2 of this special order or changes the retail ceiling price of a listed article, Jerks Socks, Inc., must comply, as to each such article, with the pre-ticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1 and 2 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 6, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 5, 1951.

[F. R. Doc. 51-6604; Filed, June 5, 1951; 8:45 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 70]

INTERNATIONAL LATEX CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price

Regulation 7, the applicant named in the accompanying special order, International Latex Corporation has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of girdles, infants' needs, and pillows manufactured by International Latex Corporation, Playtex Park, Dover, Delaware, having the brand name "Play Tex" and described in the manufacturer's application dated March 12, 1951. The manufacturer's prices listed below carry terms of 2/10 EOM, Net 30, F. O. B. Dover, Delaware.

GIRDLES

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$28.44	$3.95
35.64	4.95
42.84	5.95
50.04	6.95
57.24	7.95

INFANT'S NEEDS

$2.80	$0.39
4.96	.69
5.68	.79
6.40	.89
8.56	1.19
10.06	1.29
11.52	1.49
12.16	1.69
14.18	1.97

PILLOWS

$71.40	$9.95
78.60	10.95
85.44	11.95
93.00	12.95

2. Infants' needs having the product numbers 1443, 1450, and 1475 in the manufacturer's application dated March 12, 1951, so long as they have a manufacturer's selling price of $10.72 per dozen, shall have a ceiling price at retail of $1.49 per unit, and the manufacturer's price shall carry terms of 2/10 EOM, Net 30, F. O. B. Dover, Delaware.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 5, 1951, International Latex Corporation must mark each article listed in paragraphs 1 and 2 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after August 4, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 4, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1 and 2 of this special order or changes the retail ceiling price of a listed article, International Latex Corporation must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1 and 2 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 6, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 5, 1951.

[F. R. Doc. 51-6605; Filed, June 5, 1951; 8:45 a. m.]

[Delegation of Authority 6, Supplement 9]

CHIEFS OF BRANCHES OF INDUSTRIAL MATERIALS AND MANUFACTURED GOODS DIVISION

REDELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES

By virtue of the authority vested in me as Director of the Industrial Materials and Manufactured Goods Division of the Office of Price Operations, Office of Price Stabilization by Delegation of Authority No. 6, Supplement 1 (16 F. R. 3672) this delegation of authority is hereby issued.

Authority is hereby delegated to the Chiefs of the Branches of Industrial Materials and Manufactured Goods Division of the Office of Price Operations, Office of Price Stabilization to request further information from a seller who has submitted a proposed ceiling price for approval. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until he is notified by the Director of Price Stabilization that the proposed ceiling price has

been disapproved or that more information is required.

This delegation of authority shall take effect on June 6, 1951.

MURRAY D. SMITH,
Director, Industrial Materials and Manufactured Goods Division, Office of Price Stabilization.

JUNE 5, 1951.

[F. R. Doc. 51-6613; Filed, June 5, 1951; 12:01 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3844]

MIAMI AIRLINE, INC.; EXEMPTION APPLICATION

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of Miami Airline, Inc., for exemption from the provisions of section 401 (a) of the Civil Aeronautics Act of 1938, as amended, and the issuance of a Letter of Registration as a large irregular carrier, in accordance with the provisions of Part 291 of the Economic Regulations of the Civil Aeronautics Board.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding, assigned to be heard on June 7, is postponed to June 28, 1951, at 10:00 a. m. e. d. t. in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 31, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-6537; Filed, June 5, 1951; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

CHIEF OF BROADCAST BUREAU

DELEGATION OF AUTHORITY

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of May 1951;

It appearing, that the Commission on the 1st day of May 1951 issued an order effective June 4, 1951, establishing the Broadcast Bureau, it is therefore necessary that the authority heretofore delegated by the Commission to its Chief Accountant, Chief Engineer, General Counsel and Secretary or their respective offices now be transferred to the Chief of the Broadcast Bureau with respect to matters within the functions of the Bureau.

It is ordered, Under the authority of the Communications Act of 1934, as amended, that:

1. The delegated authority set forth in the following sections of the Commission's rules is hereby transferred to the Chief of the Broadcast Bureau or, in his absence, the Acting Chief of said Bureau in so far as such delegated authority relates to or is necessary to carry out the functions set forth in the order establishing the Broadcast Bureau: Sections 0.121, 0.122, 0.131, 0.132, 0.141, 0.142, 0.143, 0.144, 0.145, 0.146.

2. With respect to the following sections of the rules which deal with motions, briefs, and other pleadings and procedure in broadcast hearing cases before the Commission, namely: Sections 1.746, 1.747, 1.843 (c), 1.846, 1.848, 1.849, 1.852, 1.853, 1.854, such authority as is provided for the General Counsel is, in any broadcast proceeding, hereby vested in the Chief, or in his absence, the Acting Chief of the Broadcast Bureau.

3. Section 0.112 (d) is amended to read as follows:

(d) All applications or requests for special temporary standard broadcast authorizations except those covered by sections 0.121 and 0.144, and these applications shall be first referred to the Broadcast Bureau for recommendation thereon, and then referred to the Motions Commissioner.

4. Actions taken by the Chief or Acting Chief of the Broadcast Bureau in accordance with the foregoing delegations shall be recorded each week in writing and filed in the official minutes of the Commission.

5. The authorizations issued by the Bureau in accordance with its assigned functions and the delegations of authority transferred hereby shall bear the Seal of the Commission and the signature of the Secretary of the Commission.

This order shall become effective June 4, 1951.

Released: May 31, 1951.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6513; Filed, June 5, 1951; 8:48 a. m.]

[Docket No. 9672]

SHAWANO COUNTY LEADER PUBLISHING CO. (WTCH)

ORDER AMENDING ISSUES

In re application of the Shawano County Leader Publishing Company (WTCH), Shawano, Wisconsin, for construction permit; Docket No. 9672, File No. BP-7488.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of May 1951;

The Commission having under consideration (1) a petition and supplement thereto filed October 5, 1950, and April 30, 1951, respectively, by the Shawano County Leader Publishing Company requesting reconsideration and grant without hearing of its above-entitled application for construction permit to change facilities of Station WTCH, Shawano, Wisconsin, from 960 kc. with power of 1 kw., daytime only, non-directional to 960 kc., with power of 1 kw., unlimited time, using different directional antennas for day and night operation; and (2) a petition filed June 7, 1950, by May Broadcasting Company, licensee of Station KMA, Shenandoah, Iowa, requesting leave to intervene in the hearing heretofore ordered on the above-entitled application; and

It appearing, that by order of May 18, 1950, the above-entitled application was designated for hearing upon engineering issues among others to determine whether the operation of Station WTCH, as proposed, would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to an excessively high nighttime limitation; unsatisfactory nighttime coverage to the City of Shawano, Wisconsin; and the relative percentage of population residing in the area between the normally protected and the interference-free contours and the population residing in the actual primary service area; and

It further appearing, that in the instant petition it is alleged that the actual nighttime limitation to the operation of Station WTCH, as proposed, would be very much less than as predicted by the methods prescribed in the Commission's Standards; that this allegation is based upon certain measurements of skywave radiation on 960 kc. made in the Shawano area during July and August, 1950; that for reasons heretofore stated in the Commission's decisions In re Application of North Jersey Broadcasting Co., Inc. (WPAT), Paterson, New Jersey, File No. BP-4613, Docket 8285, 4 RR 1247; In re Application of Capitol Broadcasting Corp. (WISH), Indianapolis, Indiana, File No. BP-4979, Docket 7671, 3 RR 1431, 1438; In re Application of Donze Enterprises, Inc. (KSGM), Sainte Genevieve, Missouri, File No. BP-6773—RR-__, measurements of the kind submitted with the instant petition are not suitable for consideration in connection with action on individual applications; and

It further appearing, that in the light of the information now available to the Commission, the Shawano County Leader Publishing Company is legally, technically, financially and otherwise qualified to construct and operate Station WTCH; but that the operation of Station WTCH, as proposed, would be subject to an excessively high nighttime limitation, would not provide adequate service to the City of Shawano, Wisconsin, and would result in a net loss in the population receiving daytime primary service from Station WTCH; and that for these reasons, among others, the Commission is unable to conclude that a grant of the above-entitled application would serve public interest, convenience and necessity; and

It further appearing, that consideration of the above-mentioned petition filed June 7, 1950, by May Broadcasting Company requesting leave to intervene in the proceeding on the above-entitled application has been withheld at the request of the parties pending disposition of the instant petition for reconsidera-

tion and grant without hearing; that said petition for leave to intervene is based upon a claim of interference, supported by engineering affidavit, to the operation of Station KMA, Shenandoah, Iowa, beyond said station's normally protected contours; that said petition is supported by an affidavit of Owen Sadler, General Manager of May Broadcasting Company which raises a question of fact whether Station KMA may not be entitled to special protection by virtue of the uniqueness of its program service in the area where it is alleged interference will result from the proposed operation of Station WTCH; that on October 18, 1950, May Broadcasting Company filed a statement in response to the above petition for reconsideration and grant without hearing to the effect that no objection would be raised to a grant of the above-entitled application if such grant were subject to certain conditions with respect to the maximum permissible radiation toward Station KMA; that Shawano County Leader Publishing Company has stated that it would accept a grant upon the requested conditions; but that the above-entitled application has not been amended to conform to said conditions;

It is ordered, That the said petition requesting reconsideration and grant without hearing of the above-entitled application is denied; and that the said petition requesting leave to intervene in the proceedings on the above-entitled application is granted; and

It is further ordered, That the Commission's order of May 18, 1950, designating the above-entitled application for hearing, is amended to include therein the following additional issue:

5. To determine whether the operation of Station WTCH, as proposed, would cause interference within the primary service area of Station KMA, Shenandoah, Iowa, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the extent to which such areas and populations receive primary service from other broadcast stations offering the same general type of program service as Station KMA.

It is further ordered, That May Broadcasting Company, licensee of Station KMA, Shenandoah, Iowa, is made a party to this proceeding; and

It is further ordered, That hearing in this proceeding is scheduled to commence at 10:00 a. m., on the 25th day of July 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6517; Filed, June 5, 1951; 8:49 a. m.]

[Docket No. 9947]

VIDALIA BROADCASTING CO. (WVOP)

ORDER CONTINUING HEARING

In re: application of M. F. Brice and R. E. Ledford, d/b as Vidalia Broadcasting Company (WVOP), Vidalia, Georgia, for construction permit; Docket No. 9947, File No. BP-7834.

The Commission having under consideration a petition filed May 25, 1951, by the General Counsel of the Federal Communications Commission for an indefinite continuance of the hearing now scheduled for Friday, June 1, 1951, in Washington, D. C., on the above-entitled application; and

It appearing, that on May 7, 1951, the applicant filed with the Commission a petition which seeks a waiver of hearing procedure on its application pursuant to § 1.391 of the Commission's rules; that the petition will not be ready for consideration by the Commission prior to the date scheduled for hearing in this matter; and

It appearing further, that the applicant has consented to a grant of this petition and to a waiver of § 1.745 of the Commission's rules to permit immediate consideration thereof, and that reasonable dispatch of the Commission's business and the ends of justice will be served by a grant of this petition;

It is ordered, This 28th day of May 1951, that the petition of the General Counsel is granted; and the hearing on the above-entitled application now scheduled for June 1, 1951, in Washington, D. C., is hereby continued without date subject to further order of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6516; Filed, June 5, 1951; 8:49 a. m.]

[Docket No. 9980]

WESTERN UNION TELEGRAPH CO.

ORDER DESIGNATING APPLICATION FOR HEARING AND INSTITUTING INVESTIGATION

In the Matter of Charges, classifications, regulations and practices for and in connection with Interstate Telegraph Services of The Western Union Telegraph Company.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of May 1951;

The Commission, having under consideration,

(1) Transmittal Letter No. 3492 and revised tariff schedules filed by the Western Union Telegraph Company to become effective June 1, 1951, designated as follows:

THE WESTERN UNION TELEGRAPH CO.

Tariff F. C. C. No. 205

12th Revised Page 6.
6th Revised Page 7.

Tariff F. C. C. No. 229

6th Revised Page 8.
3d Revised Page 9a.
5th Revised Page 10.
3d Revised Page 11.
6th Revised Page 14.
1st Revised Page 16.
5th Revised Page 17.

Tariff F. C. C. No. 232

1st Revised Page 6.
1st Revised Page 7.
1st Revised Page 8.
1st Revised Page 9.

amending certain schedules heretofore contained in its tariffs applicable to Domestic Telegraph Press Service, Money Order Services, and Domestic Telegraph Rates;

(2) A telegram filed on May 22, 1951, by the American Newspaper Publishers Association requesting suspension of the revised tariff schedules relating to press messages;

(3) Application No. 937, filed by the Western Union Telegraph Company, for special tariff permission to reduce certain of the rates it had proposed to make effective on June 1, 1951, together with an amendment to the application, filed on May 18, 1951, requesting authority to postpone the effective date of the new and increased message telegraph and money order rates from June 1, 1951, until June 15, 1951; and

(4) Transmittal Letter No. 3499 and revised tariff schedules, filed by the Western Union Telegraph Company to become effective July 1, 1951, designated as follows:

THE WESTERN UNION TELEGRAPH CO.

Tariff F. C. C. No. 185

11th Revised Page 6.
2d Revised Page 7.
42d Revised Page 9.
36th Revised Page 10.
34th Revised Page 11.
34th Revised Page 12.
31st Revised Page 13.
43d Revised Page 14.
33d Revised Page 15.
33d Revised Page 16.
35th Revised Page 17.
29th Revised Page 18.
42d Revised Page 19.
33d Revised Page 20.
51st Revised Page 21.
21st Revised Page 21A.
22d Revised Page 22.
23d Revised Page 23.
27th Revised Page 24.
47th Revised Page 25.
27th Revised Page 26.
52d Revised Page 27.
2d Revised Page 27A.
38th Revised Page 28.
5th Revised Page 28A.
28th Revised Page 29.
49th Revised Page 30.
40th Revised Page 31.
24th Revised Page 32.
31st Revised Page 33.
41st Revised Page 34.
41st Revised Page 35.
42d Revised Page 36.
15th Revised Page 36A.
35th Revised Page 37.
45th Revised Page 38.
68th Revised Page 39.
42d Revised Page 40.
43d Revised Page 41.
51st Revised Page 42.[1]
39th Revised Page 43.
29th Revised Page 44.

Tariff F. C. C. No. 208

9th Revised Page 2.
3d Revised Page 3.
4th Revised Page 4.
5th Revised Page 5.
8th Revised Page 6.

[1] Except rates for service at Toppenish, Wash.

1st Revised Page 7.
6th Revised Page 8.
4th Revised Page 9.
4th Revised Page 10.
4th Revised Page 11.
5th Revised Page 12.
13th Revised Page 13.
14th Revised Page 14.
7th Revised Page 15.
8th Revised Page 16.
14th Revised Page 17.
6th Revised Page 18.
9th Revised Page 19.
15th Revised Page 20.
11th Revised Page 21.
10th Revised Page 22.
7th Revised Page 23.
7th Revised Page 24.
7th Revised Page 25.
3d Revised Page 26.

Tariff F. C. C. No. 216

7th Revised Page 2.
2d Revised Page 3.
2d Revised Page 4.
3d Revised Page 5.
6th Revised Page 6.
2d Revised Page 7A.
9th Revised Page 9.
26th Revised Page 10.
53d Revised Page 11.
26th Revised Page 11A.
27th Revised Page 12.
12th Revised Page 13.
14th Revised Page 14.
7th Revised Page 15.
22d Revised Page 18.
4th Revised Page 31.

Tariff F. C. C. No. 218

5th Revised Page 4.
2d Revised Page 4A.
1st Revised Page 4B.
30th Revised Page 5.
37th Revised Page 6.
25th Revised Page 7.

Tariff F. C. C. No. 219

2d Revised Page 23A.
3d Revised Page 23B.
3d Revised Page 23C.
8th Revised Page 24.
6th Revised Page 24A.
5th Revised Page 24B.
5th Revised Page 24C.

amending certain schedules heretofore contained in its tariffs applicable to Baseball-Sports Ticker Service, Quotation Service, Baseball-Sports Service, Telemeter Service, and Leased Facilities;

It appearing, that the above revised tariff schedules were developed and filed by Western Union for the purpose of producing additional revenues to offset a proposed increase in operating expenses due to proposed increased wages which the Company is prepared to offer to its employees, conditioned "on its obtaining additional operating revenues in the form of rate increases in an amount sufficient to defray that increased cost";

It further appearing, that the above revised tariff schedules contain certain new and increased charges together with certain new classifications, regulations and practices, and that the Commission is unable to determine from an examination of the above-mentioned tariff schedules whether the charges, classifications, regulations and practices therein contained will be lawful under the Communications Act of 1934, as amended;

It further appearing, that if the above-cited revised tariff schedules are permitted to become effective on the dates specified therein, the rights and interests of the public may be adversely affected thereby;

It is ordered, That, pursuant to sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, the Commission, upon its own motion and without formal pleading, shall enter upon a hearing and investigation concerning the lawfulness of the charges, classifications, regulations and practices set forth in the above-cited revised tariff schedules;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited revised tariff schedules is hereby suspended until the 1st day of September 1951, unless otherwise ordered by the Commission; and that during said period of suspension no changes shall be made in said tariff schedules or in the charges, classifications, regulations or practices sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following specific matters:

1. Whether the Commission should permit increases in rates predicated upon increases in operating expenses based on offers by the Company to increase wages which are made contingent upon such increased rates going into effect;

2. Whether the wage increase offers on which the proposed increased operating expenses are predicated:

(a) Have been offered to and accepted by the collective bargaining agents of the employees affected;

(b) Provide for wage increases within the limits permissible under any applicable federal laws or regulations establishing a limitation or ceiling on wage increases;

and, if not, whether the Commission should permit increases in rates predicated upon increased operating expenses based on such offers;

3. The extent, if any, to which the anticipated increased wage expenses should be considered in determining the amount of operating expenses to be allowed in approving rates for the future; and the proper apportionment of such expenses to each of the services rendered by the Company;

4. The justness and reasonableness of the relationships among the charges for the different classes of message telegraph service;

5. The justness and reasonableness of the new minimum charges and related word allowances for the different classes of message telegraph service;

6. The lawfulness under the Communications Act of 1934, as amended, of the serial classification and the charges, regulations, and practices applicable thereto; and the effect on the Company's operating revenues if the serial classification were eliminated;

7. The lawfulness under the Communications Act of 1934, as amended, of the charges, classifications, regulations and practices set forth in the above-mentioned revised tariff schedules;

It is further ordered, That in the event a decision as to the lawfulness of the charges, classifications, regulations and practices herein suspended has not been made during the aforesaid suspension period, and said charges, classifications, regulations and practices set forth in the above-cited tariff schedules go into effect, the Western Union Telegraph Company and its connecting and concurring carriers shall, until further order of the Commission, keep accurate accounts of all amounts charged, collected or received by reason of the charges set forth in said tariff schedules, specifying by whom and in whose behalf such amounts are paid; and shall file with the Commission a report on or before the 10th day of each calendar month, commencing October 10, 1951, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that the Western Union Telegraph Company and all carriers listed in its suspended tariff schedules as concurring and connecting carriers are hereby made parties respondent to this proceeding; and that a copy hereof be served upon each such respondent; upon all other communication carriers fully subject to the Communications Act; upon the agency of each state which has regulatory jurisdiction with respect to communication rates and services; the National Association of Railroad and Utilities Commissioners; American Communications Association and the Commercial Telegraphers' Union (A. F. L.);

It is further ordered, That a copy of this order shall be served on the American Newspaper Publishers Association, and that it is hereby given leave to intervene and participate fully in the proceeding herein;

It is further ordered, That a hearing be held in this proceeding at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m., on the 25th day of June 1951; that Elizabeth C. Smith is assigned to preside at such hearing, and that the Presiding Officer shall certify the record to the Commission for decision without preparing either a Recommended Decision or Initial Decision;

It is further ordered, That Application No. 937, as amended by telegram filed May 18, 1951, for special tariff permission is denied, in view of the investigation ordered herein.

Released: May 23, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6514; Filed, June 5, 1951; 8:48 a. m.]

[Docket No. 9981]

LAWRENCE WILLIAM PEAY, JR.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

At a session of the Federal Communications Commission held at its offices in

Washington, D. C., on the 29th day of May 1951;

The Commission having under consideration the application of Lawrence William Peay, Jr., 1116 Rosine, Houston, Texas for renewal of his radiotelephone first class operator license, which expired March 12, 1950; and

It appearing, that Peay engaged in the operation of an unlicensed television station at Madisonville, Texas, during the period from November 21, 1950, to November 27, 1950, in violation of section 301 of the Communications Act of 1934, as amended; and

It further appearing, that Peay did not hold a valid radio operator license during the period of operation of the station in violation of section 318 of the Communications Act of 1934, as amended; and

It further appearing, that this licensee, on various occasions during the period November 21, 1950, to November 27, 1950, and for approximately 60 days prior thereto while engaging and participating in the operation of the unlicensed television station as aforesaid, rebroadcast television programs transmitted from Station KPRC-TV at Houston, Texas, without the consent of the licensee of Station KPRC-TV in violation of section 325 of the Communications Act of 1934, as amended; and

It further appearing, that the Commission is unable to determine from consideration of the service record appearing on Peay's license whether service performed under the license was of a nature that would permit renewal of the application without examination in accordance with §§ 13.28 and 13.92 of the Commission's rules; and

It further appearing, that the Commission is unable to determine from consideration of the application before it that a grant of a radiotelephone first class operator license to the said Lawrence William Peay, Jr., would be in the public interest with or without an examination;

It is ordered, That pursuant to section 303 (1) of the Communications Act of 1934, as amended, the above entitled application is hereby designated for hearing at a time and place to be specified by a subsequent order of the Commission upon the following issues:

1. To determine the applicant's use of radio transmitting equipment which has not been licensed by the Commission.

2. To determine the applicant's use of radio transmitting equipment while not being the holder of a valid radio operator license issued to him by the Commission.

3. To determine whether the service performed by the applicant under his expired license is sufficient to permit renewal of the applicant's expired license without examination.

4. To determine in the light of the evidence adduced under the issues in this proceeding whether it would be in the public interest to renew Peay's radiotelephone first class operator license either with or without an examination.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6515; Filed, June 5, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6360]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

MAY 29, 1951.

Take notice that on May 25, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware, and doing business in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of $3,000,000 of First Mortgage ____ Percent Serial Bonds, due $150,000 on June 1 in each of the years 1952–71, which will bear interest at a rate to be determined by competitive bidding. These Bonds will be similar to the outstanding First Mortgage 3.50 Percent Serial Bonds, due April 1, 1952–71; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 18th day of June 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6503; Filed, June 5, 1951; 8:47 a. m.]

[Docket No. E-6361]

MINNESOTA POWER & LIGHT CO.

NOTICE OF APPLICATION

MAY 31, 1951.

Take notice that on May 29, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Minnesota Power & Light Company, a corporation organized under the laws of the State of Minnesota, and doing business in said State, with its principal business office at Duluth, Minnesota, seeking an order authorizing the issuance of $10,000,000 principal amount of First Mortgage Bonds ____ Percent Series due 1981. Said Bonds are proposed to be issued and sold by competitive bidding. The interest rate of the Bonds (which shall be a multiple of ⅛ of 1%) and the price (exclusive of accrued interest) to be paid Applicant for the Bonds (which shall be not less than the principal amount thereof and not more than 102¾ percent of such principal amount) will be fixed by competitive bidding; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 20th day of June 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6504; Filed, June 5, 1951; 8:47 a. m.]

[Docket Nos. G-1167, G-1171, G-1190, G-1602—G-1604]

CONSOLIDATED EDISON CO. OF NEW YORK, INC., ET AL.

ORDER GRANTING REHEARING AND ORAL ARGUMENT, MODIFYING PREVIOUS ORDER GRANTING REHEARING AND CONSOLIDATING PROCEEDINGS

MAY 29, 1951.

In the matters of Consolidated Edison Company of New York, Inc., Docket Nos. G-1167, G-1604; the Brooklyn Union Gas Company, Docket Nos. G-1171, G-1603; Kings County Lighting Company, Docket Nos. G-1190, G-1602.

Consolidated Edison Company of New York, Inc., the Brooklyn Union Gas Company, and Kings County Lighting Company (Petitioners), on November 29, 1949, filed petitions for rehearing, including oral argument with respect to the Commission's Opinion No. 181 and accompanying order issued October 31, 1949,[1] in which the Commission found the Petitioners to be "natural-gas companies" within the meaning of the Natural Gas Act and authorized the construction and operation by said companies of certain transmission pipe-line facilities, all as more fully described therein.

The Commission by its order issued December 13, 1949, granted the foregoing petitions and provided that the date for such rehearing and oral argument be fixed by further order of the Commission.

On April 4, 1951, Kings County Lighting Company, the Brooklyn Union Gas Company and Consolidated Edison Company of New York, Inc., pursuant to applications filed in Docket Nos. G-1602, G-1603, and G-1604, respectively, were issued certificates of public convenience and necessity to construct and operate certain transmission pipe-line facilities.

On May 3, 1951, Kings County Lighting Company, the Brooklyn Union Gas Company, and Consolidated Edison Company of New York, Inc., filed peti-

[1] See Docket Nos. G-1167, G-1171, and G-1190.

tions in Docket Nos. G–1602, G–1603, and G–1604, for rehearing, including oral argument, with respect to the Commission's findings and order issued April 4, 1951. In addition, Petitioners request that the Commission enter an order abrogating said findings and order in connection therewith, for want of jurisdiction. The Petitioners also request that the proceedings in Docket Nos. G–1602, G–1603, and G–1604, be consolidated on rehearing with the presently consolidated proceedings in Docket Nos. G–1167, G–1171 and G–1190.

Consolidated Edison Company of New York, Inc., on May 3, 1951, filed a petition requesting an opportunity to present evidence bearing upon certain changes in the Company's operations which have occurred since the issuance of the Commission's Opinion No. 181 and accompanying order.

The Commission finds: Good cause exists for granting the petitions herein referred to, including consolidation of the above-entitled proceedings inasmuch as the matters involved may concern similar facts and issues.

The Commission orders:

(A) The petitions filed on May 3, 1951, for rehearing, oral argument and consolidation of the above-entitled proceedings, be and the same are hereby granted, said rehearing and oral argument to be held at a time and place to be hereafter fixed by the Commission.

(B) Consolidated Edison Company of New York, Inc., shall be afforded an opportunity, on rehearing, to submit additional evidence to the extent set forth in its petition filed May 3, 1951, in Docket No. G–1167, bearing upon changes in its operations which have occurred since the issuance of the Commission's Opinion No. 181 and accompanying order, which the Examiner shall determine to be relevant and germane to the matters presented and the issues involved.

Date of issuance: June 1, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–6500; Filed, June 5, 1951; 8:46 a. m.]

[Docket No. G–1622]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

MAY 29, 1951.

On February 26, 1951, New York State Natural Gas Corporation (Applicant), a New York corporation having its principal place of business at New York City, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipeline facilities paralleling Applicant's existing Line No. 14, all as more fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 10, 1951 (16 F. R. 2237).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 18, 1951, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 31, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–6507; Filed, June 5, 1951; 8:47 a. m.]

[Docket No. G–1670]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER FIXING DATE OF HEARING

MAY 29, 1951.

On April 17, 1951, Natural Gas Pipeline Company of America (Applicant), a Delaware corporation having its principal place of business at Chicago, Illinois, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipeline facilities, all as more fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on May 1, 1951 (16 F. R. 3816).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 19, 1951, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 31, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–6508; Filed, June 5, 1951; 8:48 a. m.]

[Docket No. G–1688]

WEST TEXAS GAS CO.

NOTICE OF APPLICATION

MAY 31, 1951.

Take notice that on May 21, 1951, West Texas Gas Company (Applicant), a Delaware corporation having its principal office in Lubbock, Texas, and authorized to do business in Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of an 800 bhp. addition to its Turkey Creek Compressor Station located in Potter County, Texas.

The proposed facility is stated by Applicant to be the necessary compressor enlargement to increase by approximately 6000 Mcf daily Applicant's transmission capacity out of the Fritch Area of the West Panhandle Field; and will permit operating the Turkey Creek Compressor Station with a 175 psig. suction pressure which will make this gas available for input to the pipe line system. In this connection Applicant has requested El Paso Natural Gas Company (El Paso Natural) for a modification of its Gas Supply Contract No. 7 to permit large peak day inputs to the system from the Goldsmith Source of supply.

Applicant further states the facility is to enable it to serve its market requirements and the market requirements of Southern Union Gas Company's Clovis district during the 1951–52 heating season.

The estimated over-all capital cost of the proposed facility is $120,000, which will be defrayed from funds currently on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of June 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6502; Filed, June 5, 1951; 8:46 a. m.]

[Docket No. G-1689]

ASSOCIATED NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 31, 1951.

Take notice that on May 21, 1951, Associated Natural Gas Company (Applicant), a Delaware corporation, of Tulsa, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipe line facilities hereinafter described.

Applicant proposes to construct approximately 88.25 miles of transmission pipe line and construct necessary compressor facilities in order to transport natural gas for distribution and sale in the communities of Chaffee, Oran, Benton, Morehouse, Charleston, Kilbourn, Bloomfield, Essex, Bernie, Kenneth, Holcomb, Clarkston, and Molden, Missouri.

The estimated cost of the proposed undertaking including facilities, cost of financing and additional working capital requirements, is $2,491,042. Applicant proposes to obtain the funds required by the sale of $1,800,000 of first mortgage bonds, $525,000 from sale of debentures and $560,000 from the sale of common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of June 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6501; Filed, June 5, 1951; 8:46 a. m.]

[Docket No. G-1696]

EL PASO NATURAL GAS CO.

ORDER SUSPENDING CHANGES IN RATE SCHEDULES

MAY 29, 1951.

By order issued April 24, 1950, at Docket No. G-1380, the Commission, among other things, suspended the operation and deferred the use until October 1, 1950, of First Revised Sheet No. 22 to El Paso Natural Gas Company's (El Paso) FPC Gas Tariff which proposed changes in El Paso's Rate Schedule G-1. Subsequently, upon motion of El Paso, said First Revised Sheet No. 22 was made effective as of October 1, 1950, in accordance with the Commission's order issued October 3, 1950. These proceedings are still pending.

On April 30, 1951, El Paso filed its First Revised Sheets Nos. 8, 12, 13, 14-A, 15, 17, 19-A and 25, Second Revised Sheets Nos. 4, 6, 11, 19, and 22, and Fourth Revised Sheet No. 10 to its FPC Gas Tariff proposing changes in certain of its Rate Schedules as contained in El Paso's FPC Gas Tariff. The Revised Sheets as filed on April 30, 1951, provide for an increase of approximately $7,200,000 annually in El Paso's charges, which is an increase of approximately eleven percent (11%), based on anticipated sales for the calendar year 1952.

The increased rates provided in said Revised Sheets as filed on April 30, 1951, to El Paso's FPC Gas Tariff have not been shown to be justified, and may be unjust, unduly discriminatory, or preferential, or otherwise unlawful.

Unless the operation of said Revised Sheets is suspended by order of the Commission they will become effective as of June 1, 1951, pursuant to the provisions of the Natural Gas Act and the regulations thereunder.

As required by § 154.16 of the Commission's regulations under the Natural Gas Act, a copy of said Revised Sheets, as filed on April 30, 1951, has been sent to each customer which would be affected thereby and also to various State, county, and municipal authorities. Comments have been received from some of such parties. Some of the parties have requested that said Revised Sheets to El Paso's FPC Gas Tariff, as filed on April 30, 1951, be suspended and that the Commission investigate the justness and reasonableness of such proposed rates.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission, pursuant to the authority contained in section 4 of such act, enter upon a hearing concerning the lawfulness of First Revised Sheets Nos. 8, 17, 19-A, and 25, Second Revised Sheets Nos. 4, 6, 11, 19, and 22, and Fourth Revised Sheet No. 10 to El Paso's FPC Gas Tariff, and that said Revised Sheets, and the rate schedules therein contained, should be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, and classifications, subject to the jurisdiction of the Commission, contained in the aforesaid First Revised Sheets Nos. 8, 17, 19-A, and 25, Second Revised Sheets Nos. 4, 6, 11, 19, and 22, Fourth Revised Sheet No. 10, as filed April 30, 1951, to El Paso's FPC Gas Tariff.

(B) Pending such hearing and decision thereon, said First Revised Sheets Nos. 8, 17, 19-A, and 25, Second Revised Sheets Nos. 4, 6, 11, 19, and 22, and Fourth Revised Sheet No. 10, as filed April 30, 1951, to El Paso's FPC Gas Tariff, be and the same are hereby suspended and the use thereof is deferred until November 1, 1951, and until such further time thereafter as said Revised Sheets might be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the Commission's rules of practice and procedure.

Date of issuance: May 31, 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6488; Filed, June 5, 1951; 8:46 a. m.]

[Docket No. G-1697]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER SUSPENDING PROPOSED RATE TARIFF AND SERVICE AGREEMENTS, AND PROVIDING FOR DATE OF HEARING

MAY 29, 1951.

On April 17, 1951, Natural Gas Pipeline Company of America (Natural Gas Pipeline) filed with this Commission proposed FPC Gas Tariff, First Revised Volume No. 1, superseding its FPC Gas Tariff, Original Volume No. 1, pursuant to Part 154 of the Commission's general rules and regulations, and requesting such proposed rate tariff be permitted to become effective June 1, 1951.

At the same time, Natural Gas Pipeline filed service agreements in the proposed tariff form with 17 of its 19 customers, including three companies distributing gas in the Chicago, Illinois, area presently served by Chicago District Pipeline Company. Natural Gas Pipeline Company to date has not filed a service agreement covering service to Interstate Power Company for resale in Clinton, Iowa, a customer which it was authorized to serve in Docket No. G-1246.

The proposed tariff would increase the cost of gas purchased by all of Natural Gas Pipeline's customers, except those serving the Chicago area, by approximately $2,400,000, or 10 percent, based on anticipated sales for the calendar year 1952.

The proposed tariff contains two rate schedules:

1. Rate Schedule CD-1 for contract demand service:

Demand charge: For the first block of the billing demand, $1.35 per Mcf. For the balance of the billing demand, $2.50 per Mcf.

Commodity charge: For all gas delivered in each day up to an amount equal to the first block of the billing demand, 6.67 cents per Mcf. For all additional gas, 16 cents per Mcf.

2. Rate Schedule I-1 for interruptible service; 16 cents per Mcf.

The first block of the billing demand is different for each of Natural Gas Pipeline's customers. Such block is equal to any customer's presently allocated portion of Natural Gas Pipeline's capacity. The first block of the billing demand is

priced at the presently effective firm rate; the second block is priced at the increased rate indicated above. In effect, it appears that the blocking arrangement will result in establishing 19 separate rates, one for each of the pipeline company's customers.

It appears from the proposed tariff that, on the basis of the sales anticipated for the calendar year 1952, the proposed changes in rates will result in increased charges by Natural Gas Pipeline to 16 of its wholesale customers in the following amounts and percentages:

	Revenue		Increase	Percent
	Present rates	Proposed rates		
Allied Gas Co	$30,448	$48,393	$17,945	58.9
Central Illinois Electric & Gas Co	706,989	876,446	169,457	24.0
Central States Electric Co	448,164	573,727	125,563	28.0
Chicago District Pipeline Co	59,243	59,243		
Illinois Power Co	123,731	151,999	28,268	22.8
Interstate Power Co	148,471	301,994	153,523	103.4
Iowa-Illinois Gas & Electric Co	3,472,891	4,880,274	1,407,383	40.5
Iowa Power and Light Co	283,640	328,143	44,503	15.7
Iowa Southern Utilities Co	39,631	70,560	30,929	78.0
Kewanee Public Service Co	91,910	114,719	22,809	24.8
City of Nebraska City	136,109	159,082	22,973	16.9
Northern Indiana Public Service Co	1,450,751	1,450,751		
North Shore Gas Co	798,811	1,007,765	208,954	26.3
Princeton Gas Service Co	29,395	40,860	11,465	39.0
Public Service Co. of Northern Illinois	6,195,465	6,366,195	170,730	2.8
The Peoples Gas Light & Coke Co	8,998,044	8,998,044		
United Gas Service Co	12,462	12,966	504	40.4
Wilson Gas Co	14,135	14,444	309	21.9
Wisconsin Southern Gas Co	128,303	140,832	12,529	9.8
Total sales for resale	23,167,593	23,596,437	2,428,844	10.5

Natural Gas Pipeline states that the proposed increases are necessary as a result of the purchase by it of higher priced gas from Texas Illinois Natural Gas Pipe Line Company.

As required by § 154.16 of the Commission's regulations under the Natural Gas Act, a copy of said FPC Gas Tariff, First Revised Volume No. 1, has been sent by Natural Gas Pipeline to each customer which would be affected thereby. In response to requests for comments, 12 of Natural Gas Pipeline's customers and one State commission have indicated that they do not have any objection to the proposal.

Unless suspended by order of the Commission, said Natural Gas Pipeline Company of America FPC Gas Tariff, First Revised Volume No. 1, will become effective as of June 1, 1951, pursuant to the provisions of the Natural Gas Act and the general rules and regulations thereunder.

The proposed changes in Natural Gas Pipeline's presently effective FPC Gas Tariff, Original Volume No. 1, as contained in Natural Gas Pipeline's FPC Gas Tariff, First Revised Volume No. 1, may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful, and may place an undue burden upon ultimate consumers of natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Natural Gas Pipeline Company of America's FPC Gas Tariff, First Revised Volume No. 1, and that said FPC Gas Tariff, First Revised Volume No. 1, and the service agreements filed thereunder be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision herein.

The Commission orders:

(A) A public hearing be held at a date and place hereinafter to be fixed by the Commission concerning the lawfulness of the rates, charges, and classifications, subject to the jurisdiction of the Commission, as set forth in FPC Gas Tariff, First Revised Volume No. 1, filed by Natural Gas Pipeline Company of America.

(B) Pending such hearing and decision thereon, said FPC Gas Tariff, First Revised Volume No. 1, filed in this proceeding by Natural Gas Pipeline Company of America, together with all service agreements filed thereunder, be and they hereby are suspended and the use thereof deferred until November 1, 1951, and until such further time thereafter as such FPC Gas Tariff, First Revised Volume No. 1, and service agreements filed thereunder may be made effective in the manner prescribed by the Natural Gas Act.

Date of issuance: May 31, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6489; Filed, June 5, 1951; 8:46 a. m.]

RECONSTRUCTION FINANCE CORPORATION

WAR DAMAGE CORPORATION

AMENDMENT TO CHARTER

Reconstruction Finance Corporation hereby certifies that, pursuant to Paragraph "TENTH" of the Charter of War Damage Corporation, the Charter of War Damage Corporation was on May 28, 1951, further amended by changing Paragraph "NINTH" to read as follows:

NINTH: That the affairs and business of the Corporation shall be managed by an Administrator, who shall be the Administrator of Reconstruction Finance Corporation, and in his absence or disability by a Deputy Administrator, who shall be the Deputy Administrator of Reconstruction Finance Corporation.

RECONSTRUCTION FINANCE CORPORATION,
STUART SYMINGTON,
Administrator.

Attest:

EDWARD J. SINGER,
Assistant Secretary.

[F. R. Doc. 51-6510; Filed, June 5, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-37]

WASHINGTON GAS AND ELECTRIC CO.

ORDER DECLARING THAT COMPANY HAS CEASED TO BE A HOLDING COMPANY

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of May A. D. 1951.

Washington Gas and Electric Company ("Washington"), a registered holding company and a public utility company, having filed an application for an order under the Public Utility Holding Company Act of 1935 (the "act") declaring that the applicant has ceased to be a holding company; and

The application having recited that, pursuant to the plan of reorganization submitted under section 11 (f) of the act, by Nathan A. Smythe, as trustee in reorganization of Washington under Chapter X of the Bankruptcy Act, which plan was approved by the Commission on January 24, 1949, accepted by the bondholders and general creditors of Washington on April 30, 1949, and confirmed by order of the District Court of the United States for the Southern District of New York on October 5, 1949, and the consummation of which was ordered by said Court by orders dated April 14, 1950, and July 27, 1950, distribution of the common stock of Washington and of its former sole subsidiary, Southern Utah Power Company ("Southern Utah"), a public utility company, has commenced, and that Washington has divested itself of its interest in the common stock of Southern Utah; and

The application having further recited that in lieu of the issuance and sale by Washington of debt securities authorized pursuant to the provisions of the aforementioned plan, over which issuance and sale the Commission, by its order dated January 24, 1949, reserved jurisdiction, Washington now contemplates obtaining approximately $150,000 through the issuance and sale of additional shares of its common stock without par value; and

The Commission's files indicating that there is now pending before the United States Court of Appeals for the Second Circuit an appeal by Washington and Southern Utah from an order of the aforementioned District Court dated December 18, 1950, insofar as such order approved and directed the payment of certain final allowances with respect to the reorganization of Washington; and that the Commission, pursuant to the

authorization of the District Court contained in an order dated December 18, 1950, is now conducting an examination and investigation of certain matters and of certain activities of the Trustees of Washington and other persons, as specified in such order of the Court, which examination is relevant, among other things, to the fee allowances which are involved in the pending appeal by Washington and Southern Utah; and

The application indicating that Washington is now solely a public utility company, and that it does not now, directly or indirectly, own, control or hold with power to vote, any outstanding voting securities of a public utility company or of a company which is holding company within the provisions of the act; and

The Commission having issued a notice of filing on November 6, 1950 with respect to said application, said notice having stated that any interested person might, not later than November 20, 1950, request the Commission in writing that a hearing be held on such matter, and the Commission not having received a request for hearing with respect to said application within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Washington has ceased to be a holding company, and that it is necessary for the protection of investors that the Commission impose terms or conditions in connection with the termination of the registration of Washington:

It is ordered, Pursuant to the provisions of section 5 (d) of the act, that Washington has ceased to be a holding company, and that, subject to the condition prescribed below, the registration of Washington as a holding company shall cease to be in effect: *Provided, however*, That this order shall be subject to the condition which is prescribed as necessary for the protection of investors, that the Commission shall retain jurisdiction over Washington to entertain such further proceedings, to make such supplemental findings, and to take such further action, including the commencement of investigations under the act, which the Commission may deem necessary or appropriate in connection with fees and expenses with respect to Washington's reorganization and plan, the matters and persons specified in the order of investigation issued by the District Court on December 18, 1950, or any other matters relating to the conduct of the proceedings for the reorganization of Washington and its subsidiaries, and the terms, provisions and amount of all debt securities which may be issued in connection with the plan and the transactions incident thereto, in the same manner and to the same extent as though Washington were still in all respects a registered holding company.

It is further ordered, That upon the filing with the Commission of due proof that Washington has obtained approximately $150,000 through the issuance and sale of additional shares of its common stock, the jurisdiction heretofore reserved over the issuance and sale of debt securities pursuant to the provisions of Washington's plan shall be deemed to have been released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6491; Filed, June 5, 1951; 8:46 a. m.]

NIAGARA MOHAWK POWER CORP.

[File No. 70-2636]

NOTICE OF PROPOSED ACQUISITION OF UTILITY ASSETS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of May A. D. 1951.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Niagara Mohawk Power Corporation ("Niagara Mohawk"), a subsidiary of The United Corporation, a registered holding company. Applicant has designated section 10 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than June 12, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 12, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Pursuant to a contract of sale dated April 12, 1951, Niagara Mohawk proposes to acquire the hydro electric power plant, together with the lands, certain water rights and electric generating and other equipment in connection therewith, of Northern New York Power Corporation ("Northern"), a non-affiliate, for the sum of $625,000. The hydro electric power plant, owned by Northern, is located in the town of Minetto, Oswego County, in the State of New York. Niagara Mohawk renders electric service in the territory in which said plant is located and for many years Niagara Mohawk and its predecessors have purchased all of the output of said plant for utilization in what is now the Niagara Mohawk system.

The application states that Northern will require and has petitioned the Public Service Commission of the State of New York for its consent to the transfer of the hydro electric plant to Niagara Mohawk. The application further states that the acquisition by Niagara Mohawk of such plant is not subject to the jurisdiction of that Commission. The order of the Public Service Commission of the State of New York with respect to the petition of Northern will be supplied by amendment to the instant application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6492; Filed, June 5, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17847]

STANISLAWA KACZMAREK

In re: Trust under will of Stanislawa Kaczmarek, also known as Stela Kaczmarek, deceased. File No. F-28-4917; E. T. sec. 17101.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Janina (Jolasia) Piechocki, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That Anthony (Anton) Piechocki, Ludwika (Ludwig) Piechocki, Cacilie (Cecilia) Piechocki Wenzel and Hedwig (Jadwiga) Piechocki Rudowicz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Wanda Piechocki, deceased, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Stefan Piechocki, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof, and each of them, in and to the Trust created under the Will of Stanislawa Kaczmarek, also known as Stela Kaczmarek, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

5. That such property is in the process of administration by Irene Piechocki, as Trustee, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

6. That the national interest of the United States requires that Janina (Jo-

lasia) Piechocki be treated as a national of a designated enemy country (Germany);

7. That to the extent that the persons named in subparagraph 2 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Wanda Piechocki, deceased, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Stefan Piechocki, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6519; Filed, June 5, 1951; 8:49 a. m.]

[Vesting Order 17848]

MARIE KIESLING

In re: Estate of Marie Kiesling, deceased. File No. D-28-12973; E. T. sec. 17114.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lydia Grainer Bohaal, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all property of any kind or character whatsoever of the person named in subparagraph 1 hereof in the possession, custody or control of Mary F. Webber as depositary pursuant to an order of the Probate Court of Cook County, Illinois, dated October 21, 1937 in the matter of the Estate of Marie Kiesling, deceased,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6520; Filed, June 5, 1951; 8:49 a. m.]

[Vesting Order 17865]

STEFAN TEKALE

In re: Estate of Stefan Tekale, deceased. File No. D-28-12994; E. T. sec. 17123.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Magdalene Tekale, Pauline Urban, and Elizabeth Mester, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Stefan Tekale, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Spencer A. Lucas, as administrator, acting under the judicial supervision of the County Court of Dane County, Wisconsin;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6521; Filed, June 5, 1951; 8:49 a. m.]

[Vesting Order 17873]

MRS. JOHANNE MARGARETE JORDENS

In re: Bonds owned by Mrs. Johanne Margarete Jordens, also known as Mrs. J. M. Jordens-Cordes. F-28-31414.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Johanne Margarete Jordens, also known as Mrs. J. M. Jordens-Cordes, whose last known address is Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by two (2) Cities Service Company 5 Percent Debenture Bonds each of $1000.00 face value bearing the numbers M. 10550 and 28048, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bonds,

b. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Central Pacific Railway Company 4 Percent Bond of $1,000.00 face value, bearing the number 11144, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bond,

c. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Oregon-Washington Railroad & Navigation Company 4 Percent Bond of $1,000.00 face value, bearing the number M. 38932, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bond,

d. That certain debt or other obligation, matured or unmatured, evidenced by two (2) Cities Service Company 5 Percent Debenture Bonds due 1969, each of $1,000.00 face value, bearing the numbers 30887 and 31439 and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bonds, and

e. One hundred (100) shares North American Trust Shares, 1956, evidenced by a certificate numbered DD 34614, together with all declared and unpaid dividends, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Johanne Margarete Jordens, also known as Mrs. J. M. Jordens-Cordes, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6522; Filed, June 5, 1951; 8:49 a. m.]

[Vesting Order 17876]

EUGEN H. SCHREIBER

In re: Bonds owned by Eugen H. Schreiber, also known as Eugene H. Schrieber. F-28-26840.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugen H. Schreiber, also known as Eugene H. Schrieber, whose last known address is Schwenningen Erzbergerstr. 17, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by eight (8) American Telephone and Telegraph Company 20 Year Sinking Fund 5½% Debenture bonds of $1,000.00 face value each, bearing the numbers M 36024/36031, and any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, together with all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eugen H. Schreiber, also known as Eugene H. Schrieber, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6523; Filed, June 5, 1951; 8:49 a. m.]

[Vesting Order 17878]

E. A. WESSELS

In re: Bonds owned by E. A. Wessels. F-28-31463.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That E. A. Wessels, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) The Baltimore and Ohio Railroad Company Refunding and General gold 6 percent, Series B, Bonds, bearing the numbers M46775, M46776 and M46777, and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bonds, and

b. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) The Baltimore and Ohio Railroad Company Refunding and General gold 5 percent, Series A, Bond, bearing the number D6214, and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bond,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, E. A. Wessels, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6524; Filed, June 5, 1951; 8:50 a. m.]

[Vesting Order 17884]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-139 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States

with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Union Bank of Switzerland, Zurich, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Irving Trust Co., 1 Wall St., New York N. Y.	Miscellaneous stocks, as described by the Personal Trust Division of the Irving Trust Co. in its report on Form OAP-700, bearing its Serial No. 46.

[F. R. Doc. 51-6525; Filed, June 5, 1951; 8:50 a. m.]

[Vesting Order 17925]

CHUJIRO MATSUMOTO

In re: Estate of Chujiro Matsumoto, deceased. File No. D-39-19309; E. T. sec. 17131.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masa Matsumoto, Tomikojo Matsumoto, Kinuko Matsumoto, Teruko Matsumoto and Isaburo Matsumoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Chujiro Matsumoto, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Japan);

3. That such property is in the process of administration by T. Yamashita, as administrator, acting under the judicial supervision of the Superior Court of the State of Washington, for King County;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6527; Filed, June 5, 1951; 8:50 a. m.]

[Vesting Order 17926]

KATHERINE ROMACKER ET AL.

In re: Rights of Katherine Romacker et al. under insurance contract. File No. F-28-31428-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Romacker and Elizabeth Rose Romacker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Katherine Romacker, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Katherine Romacker, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8 653 591, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Katherine Romacker, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Katherine Romacker or Elizabeth Rose Romacker, or the children, names unknown, of Katherine Romacker, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Katherine Romacker, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Katherine Romacker, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Katherine Romacker, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6528; Filed, June 5, 1951; 8:50 a. m.]

[Vesting Order 17928]

SUSUMU SHOTA

In re: Rights of Susumu Shota under contract of insurance. File No. D-39-19075-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Ex-

ecutive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Susumu Shota, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Susumu Shota under a contract of insurance evidenced by Policy No. 523,994, issued by The Manufacturers Life Insurance Company, Toronto, Canada, to Susumu Shota and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Toyo Shota, a resident of Hawaii and the aforesaid The Manufacturers Life Insurance Company, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, Susumu Shota, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6529; Filed, June 5, 1951; 8:50 a. m.]

[Return Order 975]

HIDEO YODA AND SHIGEO YODA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim Nos., and Property,

Hideo Yoda, Honolulu, T. H., $16.17 in the Treasury of the United States; Shigeo Yoda, Honolulu, T. H., $14.61 in the Treasury of the United States; Claims Nos. 13753 and 13754; notice of intention to return published: April 25, 1951 (16 F. R. 3546).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6531; Filed, June 5, 1951; 8:51 a. m.]

MARIETTA LUMIA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Marietta Lumia, Enna, Italy; Claim Nos. 44034 and 44111; $1,140.87 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Marietta Lumia in and to the Estate of Guiseppe Amico, also known as Calagero Lumia, deceased.

Executed at Washington, D. C., on May 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6532; Filed, June 5, 1951; 8:51 a. m.]

[Vesting Order 17929]

IRMGARD ZOEPPRITZ

In re: Rights of Irmgard Zoeppritz under Insurance Contract. File No. F-28-30746-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Irmgard Zoeppritz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceds due or to become due to Irmgard Zoeppritz under a contract of insurance evidenced by Policy No. 586 195, issued by the Phoenix Mutual Life Insurance Company, Hartford, Connecticut, to Irmgard Zoeppritz, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Elisabeth Muser Neilson, a resident of the United States, and of the aforesaid Phoenix Mutual Life Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6530; Filed, June 5, 1951; 8:50 a. m.]

[Vesting Order 17885]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-139 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as

amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Union Bank of Switzerland, Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
1. Chemical Bank & Trust Co., 165 Broadway, New York, N. Y.	Account No. 80039, consisting of certain securities and accumulations of dividends on securities held, as described by the Chemical Bank & Trust Co. in its report on Form OAP-700, bearing its Serial No. 80039.	60 shares of General Motors Corp. common stock, and 50 shares of Phillips Petroleum Corp. common stock, which, according to the report on Form OAP-700 filed by the Chemical Bank & Trust Co., bearing its Serial No. 80039, are property of the Estate of Mrs. Irene Spitz-Szentmiklossy, deceased, a national of Hungary.
2. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Old account, and (b) blocked Switzerland general ruling 6 a/c as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 200.	$29,450.16 in the old account which, according to license application No. NY869231, filed by The Chase National Bank of the City of New York, bearing its Serial No. 65310, represents claims of persons domiciled in Bulgaria, Hungary, and Rumania.
3. Irving Trust Co., 1 Wall St., New York 15, N. Y.	Demand deposit account as described by the bookkeeping department of the Irving Trust Co. in its report on Form OAP-700, bearing its Serial No. 0054.	$140.42 in the demand deposit account which, according to license application No. NY869232 filed by the Irving Trust Co., bearing its Serial No. 21000, represents claims of persons domiciled in Bulgaria, Hungary, and Rumania.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950 and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in column III or excluded under (a) of this footnote.

[F. R. Doc. 51-6526; Filed, June 5, 1951; 8:50 a. m.]